

## [COMMITTEE PRINT]

[Showing H.R. 2829, as Reported by the Committee on  
Government Reform]

109TH CONGRESS  
1ST SESSION

# H. R. 2829

To reauthorize the Office of National Drug Control Policy Act.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 9, 2005

Mr. SOUDER (for himself and Mr. TOM DAVIS of Virginia) introduced the following bill; which was referred to the Committee on Government Reform, and in addition to the Committees on the Judiciary, Energy and Commerce, and Select Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To reauthorize the Office of National Drug Control Policy  
Act.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. TABLE OF CONTENTS.**

4       (a) TABLE OF CONTENTS.—The table of contents for  
5       this Act is as follows:

Sec. 1. Table of contents.

TITLE I—REAUTHORIZATION OF OFFICE OF NATIONAL DRUG  
CONTROL POLICY

Sec. 101. Short title.

Sec. 102. Amendment of Office of National Drug Control Policy Reauthoriza-  
tion Act of 1998.

Sec. 103. Repeal of termination provision.

Sec. 104. Amendments to definitions.

Sec. 105. Amendments relating to establishment of Office of National Drug  
Control Policy and designation of officers.

Sec. 106. Amendments relating to appointment and duties of Director and Dep-  
uty Director.

Sec. 107. Amendments relating to coordination with other agencies.

Sec. 108. Development, submission, implementation, and assessment of Na-  
tional Drug Control Strategy.

Sec. 109. High Intensity Drug Trafficking Areas Program.

Sec. 110. Funding for certain High Intensity Drug Trafficking Areas.

Sec. 111. Amendments relating to Counter-Drug Technology Assessment Cen-  
ter.

Sec. 112. National youth antidrug media campaign.

Sec. 113. Drug interdiction.

Sec. 114. Authorization of appropriations.

Sec. 115. Technical amendments and repeal.

Sec. 116. Requirement for disclosure of Federal sponsorship of all Federal ad-  
vertising or other communication materials.

Sec. 117. Policy relating to syringe exchange programs.

TITLE II—CLEAN SPORTS ACT OF 2005

Sec. 201. Addition of minimum drug testing standards to Office of National  
Drug Control Policy Act.

1 **TITLE I—REAUTHORIZATION OF**  
2 **OFFICE OF NATIONAL DRUG**  
3 **CONTROL POLICY**

4 **SEC. 101. SHORT TITLE.**

5 This title may be cited as the “Office of National  
6 Drug Control Policy Reauthorization Act of 2005”.

1 **SEC. 102. AMENDMENT OF OFFICE OF NATIONAL DRUG**  
2 **CONTROL POLICY REAUTHORIZATION ACT**  
3 **OF 1998.**

4 Except as otherwise expressly provided, whenever in  
5 this title an amendment or repeal is expressed in terms  
6 of an amendment to, or repeal of, a section or other provi-  
7 sion, the reference shall be considered to be made to a  
8 section or other provision of the Office of National Drug  
9 Control Policy Reauthorization Act of 1998 (Public Law  
10 105–277; 21 U.S.C. 1701 et seq.).

11 **SEC. 103. REPEAL OF TERMINATION PROVISION.**

12 Section 715 (21 U.S.C. 1712) is repealed, and the  
13 law shall read as if such section was never in effect.

14 **SEC. 104. AMENDMENTS TO DEFINITIONS.**

15 (a) AMENDMENTS TO DEFINITIONS.—Section 702  
16 (21 U.S.C. 1701) is amended—

17 (1) in paragraph (1)—

18 (A) by striking “and” at the end of sub-  
19 paragraph (F);

20 (B) by striking the period at the end of  
21 subparagraph (G) and inserting “, including the  
22 testing of employees;”; and

23 (C) by adding at the end the following:

24 “(H) interventions for drug abuse and de-  
25 pendence; and

1           “(I) international drug control coordina-  
2           tion and cooperation with respect to activities  
3           described in this paragraph.”;

4           (2) in paragraph (6), by adding before the pe-  
5           riod at the end: “, including any activities involving  
6           supply reduction, demand reduction, or State and  
7           local affairs”;

8           (3) in paragraph (7)—

9                 (A) by striking “Agency” and inserting  
10           “agency”;

11                (B) by striking “National Foreign Intel-  
12           ligence Program,” and inserting “National In-  
13           telligence Program,”; and

14                (C) by inserting a comma before “or Tac-  
15           tical”;

16           (4) in paragraph (9), by striking “implicates”  
17           and inserting “indicates”;

18           (5) in paragraph (10)—

19                 (A) by adding “National Drug Control  
20           Program agencies and” after “among” in sub-  
21           paragraph (B);

22                 (B) by striking “and” at the end of sub-  
23           paragraph (B);

1 (C) by striking the period at the end of  
2 subparagraph (C) and inserting a semicolon;  
3 and

4 (D) by adding at the end the following:

5 “(D) domestic drug law enforcement, in-  
6 cluding domestic drug interdiction and law en-  
7 forcement directed at drug users; and

8 “(E) coordination and enhancement of  
9 Federal, State, and local law enforcement initia-  
10 tives to gather, analyze, and disseminate infor-  
11 mation and intelligence relating to drug control  
12 among domestic law enforcement agencies.”;

13 (6) in paragraph (11)—

14 (A) by inserting before the semicolon in  
15 subparagraph (A) the following: “, including—

16 “(i) law enforcement outside the  
17 United States; and

18 “(ii) source country programs, includ-  
19 ing economic development programs pri-  
20 marily intended to reduce the production  
21 or trafficking of illicit drugs”;

22 (B) by striking subparagraph (B) and in-  
23 serting the following:

24 “(B) facilitating and enhancing the shar-  
25 ing of foreign and domestic information and law

1 enforcement intelligence relating to drug pro-  
2 duction and trafficking among National Drug  
3 Control Program agencies, and between those  
4 agencies and foreign law enforcement agencies;  
5 and”;

6 (C) by striking “; and” at the end of sub-  
7 paragraph (C) and inserting a period; and

8 (D) by striking subparagraph (D); and

9 (7) by adding at the end the following:

10 “(12) APPROPRIATE CONGRESSIONAL COMMIT-  
11 TEES.—Except where otherwise provided, the term  
12 ‘appropriate congressional committees’ means the  
13 Committee on the Judiciary, the Committee on Ap-  
14 propriations, and the Caucus on International Nar-  
15 cotics Control of the Senate and the Committee on  
16 Government Reform, the Committee on the Judici-  
17 ary, and the Committee on Appropriations of the  
18 House of Representatives.

19 “(13) LAW ENFORCEMENT.—The term ‘law en-  
20 forcement’ or ‘drug law enforcement’ means all ef-  
21 forts by a Federal, State, or local government agen-  
22 cy to enforce the drug laws of the United States or  
23 any State, including investigation, arrest, prosecu-  
24 tion, and incarceration or other punishments or pen-  
25 alties.”.

1 (b) CONFORMING AMENDMENTS.—Section 703(b)(3)  
2 (21 U.S.C. 1702(b)(3)) is amended—

3 (1) in subparagraph (A), by striking “(G)” and  
4 inserting “(I)”; and

5 (2) in subparagraph (C)—

6 (A) by striking “through (C)” and insert-  
7 ing “through (E)”;

8 (B) by striking “and subparagraph (D) of  
9 section 702(11)”; and

10 (C) by adding before the period at the end  
11 the following: “, and sections 707 and 708 of  
12 this Act”.

13 **SEC. 105. AMENDMENTS RELATING TO ESTABLISHMENT OF**  
14 **OFFICE OF NATIONAL DRUG CONTROL POL-**  
15 **ICY AND DESIGNATION OF OFFICERS.**

16 (a) RESPONSIBILITIES.—Paragraph (4) of section  
17 703(a) (21 U.S.C. 1702(a)) is amended to read as follows:

18 “(4) evaluate the effectiveness of the national  
19 drug control policy and the National Drug Control  
20 Program agencies’ programs, by developing and ap-  
21 plying specific goals and performance measure-  
22 ments.”.

23 (b) RANK OF DIRECTOR.—Section 703(b) (21 U.S.C.  
24 1702(b)) is amended in paragraph (1) by adding before  
25 the period the following: “, who shall hold the same rank

1 and status as the head of an executive department listed  
2 in section 101 of title 5, United States Code”.

3 (c) DEPUTY DIRECTORS.—Section 703(b) (21 U.S.C.  
4 1702(b)) is amended in paragraph (3)—

5 (1) by striking “Office—” and inserting “Office  
6 the following additional Deputy Directors—”; and

7 (2) in subparagraph (B), by striking “who  
8 shall” and inserting the following: “who shall have  
9 substantial experience and expertise in drug interdic-  
10 tion operations and other supply reduction activities,  
11 and who shall serve as the United States Interdic-  
12 tion Coordinator and”.

13 **SEC. 106. AMENDMENTS RELATING TO APPOINTMENT AND**  
14 **DUTIES OF DIRECTOR AND DEPUTY DIREC-**  
15 **TOR.**

16 (a) DESIGNATION OF OTHER OFFICERS.—Section  
17 704(a)(3) (21 U.S.C. 1703(a)(3)) is amended—

18 (1) by striking “permanent employee” and in-  
19 serting “officer or employee”; and

20 (2) by striking “serve as the Director” and in-  
21 serting “serve as the acting Director”.

22 (b) RESPONSIBILITIES OF DIRECTOR.—Section  
23 704(b) (21 U.S.C. 1703(b)) is amended—

24 (1) in paragraph (4), by striking “Federal de-  
25 partments and agencies engaged in drug enforce-



1       ment,” and inserting “National Drug Control Pro-  
2       gram agencies,”;

3           (2) in paragraph (7), by inserting after “Presi-  
4       dent” the following: “and the appropriate congress-  
5       sional committees”;

6           (3) in paragraph (13), by striking “(beginning  
7       in 1999)”;

8           (4) in paragraph (14)—

9                (A) by striking “Appropriations” and all  
10       that follows through “Senate” and inserting  
11       “appropriate congressional committees”; and

12               (B) by striking “and” after the semicolon  
13       at the end;

14           (5) in paragraph (15), by striking subpara-  
15       graph (C) and inserting the following:

16               “(C) supporting the substance abuse infor-  
17       mation clearinghouse administered by the Ad-  
18       ministrators of the Substance Abuse and Mental  
19       Health Services Administration and established  
20       in section 501(d)(16) of the Public Health  
21       Service Act by—

22                “(i) encouraging all National Drug  
23       Control Program agencies to provide all  
24       appropriate and relevant information; and

1 “(ii) supporting the dissemination of  
2 information to all interested entities;”; and

3 (6) by inserting at the end the following:

4 “(16) shall coordinate with the private sector to  
5 promote private research and development of medi-  
6 cations to treat addiction;

7 “(17) shall seek the support and commitment of  
8 State and local officials in the formulation and im-  
9 plementation of the National Drug Control Strategy;

10 “(18) shall monitor and evaluate the allocation  
11 of resources among Federal law enforcement agen-  
12 cies in response to significant local and regional  
13 drug trafficking and production threats; and

14 “(19) shall submit an annual report to Con-  
15 gress detailing how the Office of National Drug  
16 Control Policy has consulted with and assisted State  
17 and local governments with respect to the formula-  
18 tion and implementation of the National Drug Con-  
19 trol Strategy and other relevant issues.”.

20 (c) SUBMISSION OF DRUG CONTROL BUDGET RE-  
21 QUESTS.—Section 704(c)(1) is amended by adding at the  
22 end the following:

23 “(C) CONTENT OF DRUG CONTROL BUDG-  
24 ET REQUESTS.—A drug control budget request  
25 submitted by a department, agency, or program

1 under this paragraph shall include all requests  
2 for funds for any drug control activity under-  
3 taken by that department, agency, or program,  
4 including demand reduction, supply reduction,  
5 and State and local affairs, including any drug  
6 law enforcement activities. If an activity has  
7 both drug control and nondrug control purposes  
8 or applications, the department, agency, or pro-  
9 gram shall estimate by a documented calcula-  
10 tion the total funds requested for that activity  
11 that would be used for drug control, and shall  
12 set forth in its request the basis and method for  
13 making the estimate.”.

14 (d) NATIONAL DRUG CONTROL BUDGET PRO-  
15 POSAL.—Section 704(c)(2) is amended in subparagraph  
16 (A) by inserting before the semicolon: “and to inform Con-  
17 gress and the public about the total amount proposed to  
18 be spent on all supply reduction, demand reduction, State  
19 and local affairs, including any drug law enforcement, and  
20 other drug control activities by the Federal Government,  
21 which shall conform to the content requirements set forth  
22 in subparagraph (C) of paragraph (1) of this subsection”.

23 (e) REVIEW AND CERTIFICATION OF NATIONAL  
24 DRUG CONTROL PROGRAM BUDGET.—Section 704(c)(3)  
25 (21 U.S.C. 1703(c)(3)) is amended—

1           (1) by redesignating subparagraphs (C) and  
2           (D) as subparagraphs (D) and (E), respectively;

3           (2) by inserting after subparagraph (B) the fol-  
4           lowing new subparagraph:

5                   “(C) SPECIFIC REQUESTS.—The Director  
6           shall not confirm the adequacy of any budget  
7           request that—

8                           “(i) requests funding for Federal law  
9                           enforcement activities that do not ade-  
10                          quately compensate for transfers of drug  
11                          enforcement resources and personnel to  
12                          law enforcement and investigation activi-  
13                          ties not related to drug enforcement as de-  
14                          termined by the Director;

15                           “(ii) requests funding for law enforce-  
16                           ment activities on the borders of the  
17                           United States that do not adequately di-  
18                           rect resources to drug interdiction and en-  
19                           forcement as determined by the Director;

20                           “(iii) requests funding for drug treat-  
21                           ment activities that do not provide ade-  
22                           quate result and accountability measures  
23                           as determined by the Director;

24                           “(iv) requests funding for any activi-  
25                           ties of the Safe and Drug Free Schools

1 Program that do not include a clear anti-  
2 drug message or purpose intended to re-  
3 duce drug use;

4 “(v) requests funding to enforce sec-  
5 tion 484(r)(1) of the Higher Education  
6 Act of 1965 (20 U.S.C. 1091(r)(1)) with  
7 respect to convictions for drug-related of-  
8 fenses not occurring during a period of en-  
9 rollment for which the student was receiv-  
10 ing any Federal grant, loan, or work as-  
11 sistance;

12 “(vi) requests funding for drug treat-  
13 ment activities that do not adequately sup-  
14 port and enhance Federal drug treatment  
15 programs and capacity, as determined by  
16 the Director;

17 “(vii) requests funding for fiscal year  
18 2007 for activities of the Department of  
19 Education, unless it is accompanied by a  
20 report setting forth a plan for providing  
21 expedited consideration of student loan ap-  
22 plications for all individuals who submitted  
23 an application for any Federal grant, loan,  
24 or work assistance that was rejected or de-  
25 nied pursuant to 484(r)(1) of the Higher

1 Education Act of 1965 (20 U.S.C.  
2 1091(r)(1)) by reason of a conviction for a  
3 drug-related offense not occurring during a  
4 period of enrollment for which the indi-  
5 vidual was receiving any Federal grant,  
6 loan, or work assistance;

7 “(viii) requests funding for the oper-  
8 ations and management of the Department  
9 of Homeland Security that does not in-  
10 clude a specific request for funds for the  
11 Office of Counternarcotics Enforcement to  
12 carry out its responsibilities under section  
13 878 of the Homeland Security Act of 2002  
14 (6 U.S.C. 458).”;

15 (3) in subparagraph (D)(iii), as so redesign-  
16 nated, by inserting “and the appropriate congres-  
17 sional committees” after “House of Representa-  
18 tives”; and

19 (4) in subparagraph (E)(ii)(II)(bb), as so redesign-  
20 igned, by inserting “and the appropriate congres-  
21 sional committees” after “House of Representa-  
22 tives”.

23 (f) REPROGRAMMING AND TRANSFER REQUESTS.—  
24 Section 704(c)(4)(A) (21 U.S.C. 1703(c)(4)(A)) is amend-  
25 ed by striking “\$5,000,000” and inserting “\$1,000,000”.

1 (g) POWERS OF DIRECTOR.—Section 704(d) (21  
2 U.S.C. 1703(d)) is amended—

3 (1) in paragraph (8)(D), by striking “have been  
4 authorized by Congress;” and inserting “authorized  
5 by law;”;

6 (2) in paragraph (9)—

7 (A) by inserting “notwithstanding any  
8 other provision of law,” after “(9)”; and

9 (B) by striking “Strategy; and” and insert-  
10 ing “Strategy and notify the appropriate con-  
11 gressional committees of any fund control no-  
12 tice issued;”;

13 (3) in paragraph (10), by striking “(22 U.S.C.  
14 2291j).” and inserting “(22 U.S.C. 2291j) and sec-  
15 tion 706 of the Foreign Relations Authorization Act,  
16 Fiscal Year 2003 (22 U.S.C. 2291j–1); and”; and

17 (4) by adding at the end the following new  
18 paragraph:

19 “(11) not later than August 1 of each year,  
20 submit to the President a report, and transmit cop-  
21 ies of the report to the Secretary of State and the  
22 appropriate congressional committees, that—

23 “(A) provides the Director’s assessment of  
24 which countries are major drug transit coun-  
25 tries or major illicit drug producing countries as

1 defined in section 481(e) of the Foreign Assist-  
2 ance Act of 1961 (22 U.S.C. 2291(e));

3 “(B) provides the Director’s assessment of  
4 whether each country identified under subpara-  
5 graph (A) has cooperated fully with the United  
6 States or has taken adequate steps on its own  
7 to achieve full compliance with the goals and  
8 objectives established by the United Nations  
9 Convention Against Illicit Traffic in Narcotic  
10 Drugs and Psychotropic Substances and other-  
11 wise has assisted in reducing the supply of il-  
12 licit drugs to the United States; and

13 “(C) provides the Director’s assessment of  
14 whether application of procedures set forth in  
15 section 490 of the Foreign Assistance Act of  
16 1961 (22 U.S.C. 2291j), as provided in section  
17 706 of the Foreign Relations Authorization Act,  
18 Fiscal Year 2003 (22 U.S.C. 2291j–1), is war-  
19 ranted with respect to countries the Director  
20 assesses have not cooperated fully.”.

21 (g) FUND CONTROL NOTICES.—Section 704(f) (21  
22 U.S.C. 1703(f)) is amended by adding at the end the fol-  
23 lowing:



1           “(4) CONGRESSIONAL NOTICE.—A copy of each  
2           fund control notice shall be transmitted to the ap-  
3           propriate congressional committees.

4           “(5) RESTRICTIONS.—The Director shall not  
5           issue a fund control notice to direct that all or part  
6           of an amount appropriated to the National Drug  
7           Control Program agency account be obligated, modi-  
8           fied, or altered in any manner contrary, in whole or  
9           in part, to a specific appropriation or statute.”.

10          (h) TECHNICAL AMENDMENTS.—Section 704 (21  
11 U.S.C. 1703) is amended—

12           (1) in subsection (g)—

13                   (A) by striking “National Foreign Intel-  
14                   ligence Program” and inserting “National Intel-  
15                   ligence Program”; and

16                   (B) by inserting a comma before “and  
17                   Tactical”; and

18           (2) in subsection (h), by striking “Director of  
19           Central Intelligence” and inserting “Director of Na-  
20           tional Intelligence or the Director of the Central In-  
21           telligence Agency”.

22          (i) REQUIREMENT FOR SOUTH AMERICAN HEROIN  
23 STRATEGY.—

24           (1) IN GENERAL.—Not later than 90 days after  
25           the date of the enactment of this Act, the Director

1 of National Drug Control Policy shall submit to the  
2 Congress a comprehensive strategy that addresses  
3 the increased threat from South American heroin,  
4 and in particular Colombian heroin and the emerg-  
5 ing threat from opium poppy grown in Peru and  
6 often intended for transit to Columbia for processing  
7 into heroin.

8 (2) CONTENTS.—The strategy shall include—

9 (A) opium eradication efforts to eliminate  
10 the problem at the source to prevent heroin  
11 from entering the stream of commerce;

12 (B) interdiction and precursor chemical  
13 controls;

14 (C) demand reduction and treatment;

15 (D) alternative development programs, in-  
16 cluding direct assistance to regional govern-  
17 ments to demobilize and provide alternative  
18 livelihoods to former members of insurgent or  
19 other groups engaged in heroin, coca, or other  
20 illicit drug production or trafficking;

21 (E) efforts to inform and involve local citi-  
22 zens in the programs described in subpara-  
23 graphs (A) through (D), such as through leaf-  
24 lets advertising rewards for information;

1 (F) provisions that ensure the maintenance  
2 at current levels of efforts to eradicate coca in  
3 Colombia; and

4 (G) assessment of the specific level of  
5 funding and resources necessary to simulta-  
6 neously address the threat from South Amer-  
7 ican heroin and the threat from Colombian and  
8 Peruvian coca.

9 (3) TREATMENT OF CLASSIFIED OR LAW EN-  
10 FORCEMENT SENSITIVE INFORMATION.—Any con-  
11 tent of the strategy that involves information classi-  
12 fied under criteria established by an Executive order,  
13 or whose public disclosure, as determined by the Di-  
14 rector or the head of any relevant Federal agency,  
15 would be detrimental to the law enforcement or na-  
16 tional security activities of any Federal, foreign, or  
17 international agency, shall be presented to Congress  
18 separately from the rest of the strategy.

19 (j) REQUIREMENT FOR AFGHAN HEROIN STRAT-  
20 EGY.—

21 (1) IN GENERAL.—Not later than 90 days after  
22 the date of the enactment of this Act, the Director  
23 of the Office of National Drug Control Policy shall  
24 submit to the Congress a comprehensive strategy

1       that addresses the increased threat from Afghan  
2       heroin.

3           (2) CONTENTS.—The strategy shall include—

4               (A) opium crop eradication efforts to elimi-  
5       nate the problem at the source to prevent her-  
6       oin from entering the stream of commerce;

7               (B) destruction or other direct elimination  
8       of stockpiles of heroin and raw opium, and her-  
9       oin production and storage facilities;

10              (C) interdiction and precursor chemical  
11       controls;

12              (D) demand reduction and treatment;

13              (E) alternative development programs;

14              (F) measures to improve cooperation and  
15       coordination between Federal Government  
16       agencies, and between such agencies, agencies  
17       of foreign governments, and international orga-  
18       nizations with responsibility for the prevention  
19       of heroin production in, or trafficking out of,  
20       Afghanistan; and

21              (G) an assessment of the specific level of  
22       funding and resources necessary significantly to  
23       reduce the production and trafficking of heroin.

24           (3) TREATMENT OF CLASSIFIED OR LAW EN-  
25       FORCEMENT SENSITIVE INFORMATION.—Any con-

1       tent of the strategy that involves information classi-  
2       fied under criteria established by an Executive order,  
3       or whose public disclosure, as determined by the Di-  
4       rector or the head of any relevant Federal agency,  
5       would be detrimental to the law enforcement or na-  
6       tional security activities of any Federal, foreign, or  
7       international agency, shall be presented to Congress  
8       separately from the rest of the strategy.

9       (k) REQUIREMENT FOR GENERAL COUNTERDRUG  
10   INTELLIGENCE PLAN.—

11           (1) IN GENERAL.—Not later than 120 days  
12       after the date of enactment of this Act, and not  
13       later than every two years thereafter, the Director of  
14       the Office of National Drug Control Policy, with the  
15       concurrence of the Director of National Intelligence,  
16       shall submit to the appropriate congressional com-  
17       mittees, a general counterdrug intelligence plan to  
18       improve coordination, and eliminate unnecessary du-  
19       plication, among the counterdrug intelligence centers  
20       and information sharing systems, and counterdrug  
21       activities of the Federal Government, including the  
22       centers, systems, and activities of the following de-  
23       partments and agencies:

1 (A) The Department of Defense, including  
2 the Defense Intelligence Agency, and the joint  
3 interagency task forces.

4 (B) The Department of the Treasury, in-  
5 cluding the Financial Crimes Enforcement Net-  
6 work (FinCEN).

7 (C) The Central Intelligence Agency.

8 (D) The National Security Agency.

9 (E) The Department of Homeland Secu-  
10 rity, including the United States Coast Guard,  
11 the bureau of Customs and Border Protection,  
12 and the bureau of Immigration and Customs  
13 Enforcement.

14 (F) The Department of Justice, including  
15 the National Drug Intelligence Center (NDIC);  
16 the Drug Enforcement Administration, includ-  
17 ing the El Paso Intelligence Center (EPIC); the  
18 Federal Bureau of Investigation; the Organized  
19 Crime Drug Enforcement Task Force; and the  
20 Regional Information Sharing System.

21 (G) The Office of National Drug Control  
22 Policy, including the High Intensity Drug Traf-  
23 ficking Areas Program.

24 (H) The Counterdrug Intelligence Execu-  
25 tive Secretariat.

1           (2) PURPOSE.—The purpose of the plan under  
2           paragraph (1) is to maximize the effectiveness of the  
3           centers and activities referred to in that paragraph  
4           in achieving the objectives of the National Drug  
5           Control Strategy promulgated under 21 U.S.C.  
6           1705. In order to maximize such effectiveness, the  
7           plan shall—

8                   (A) articulate clear and specific mission  
9                   statements (including purpose and scope of ac-  
10                  tivity) for each counterdrug intelligence center,  
11                  system, and activity, including the manner in  
12                  which responsibility for counterdrug intelligence  
13                  activities will be allocated among the  
14                  counterdrug intelligence centers and systems;

15                  (B) specify each government agency  
16                  (whether Federal, State, or local) that partici-  
17                  pates in each such center, system, and activity,  
18                  including a description of the extent and nature  
19                  of that participation;

20                  (C) specify the relationship between such  
21                  centers, systems, and activities;

22                  (D) specify the means by which proper  
23                  oversight of such centers, systems, and activi-  
24                  ties will be assured;

1           (E) specify the means by which  
2 counterdrug intelligence and information will be  
3 forwarded effectively to all levels of officials re-  
4 sponsible for United States counterdrug policy;  
5 and

6           (F) specify mechanisms to ensure that  
7 State and local law enforcement agencies are  
8 apprised of counterdrug intelligence and infor-  
9 mation acquired by Federal law enforcement  
10 agencies in a manner which—

11                 (i) facilitates effective counterdrug ac-  
12 tivities by State and local law enforcement  
13 agencies; and

14                 (ii) provides such State and local law  
15 enforcement agencies with the information  
16 relating to the safety of officials involved  
17 in their counterdrug activities.

18         (3) DEFINITIONS.—As used in this  
19 subsection—

20                 (A) the term “center” refers to any center,  
21 office, task force, or other coordinating organi-  
22 zation engaged in counterdrug intelligence or  
23 information analyzing or sharing activities;

24                 (B) the term “system” refers to any com-  
25 puterized database or other electronic system



1           used for counterdrug intelligence or information  
2           analyzing or sharing activities; and

3           (C) the term “appropriate congressional  
4           committees” means the following:

5                   (i) The Committee on Appropriations,  
6                   the Committee on Foreign Relations, the  
7                   Committee on the Judiciary, the Com-  
8                   mittee on Homeland Security and Govern-  
9                   mental Affairs, the Caucus on Inter-  
10                  national Narcotics Control, and the Select  
11                  Committee on Intelligence of the Senate.

12                  (ii) The Committee on Appropriations,  
13                  the Committee on International Relations,  
14                  the Committee on the Judiciary, the Com-  
15                  mittee on Government Reform, the Com-  
16                  mittee on Homeland Security, and the Per-  
17                  manent Select Committee on Intelligence  
18                  of the House of Representatives.

19           (4) LIMITATION.—The general counterdrug in-  
20           telligence plan shall not—

21                   (A) change existing agency authorities or  
22                   the laws governing interagency relationships,  
23                   but may include recommendations about  
24                   changes to such authorities or laws; or

1 (B) include any information about specific  
2 methods of obtaining, or sources of, intelligence  
3 or information, or any information about spe-  
4 cific individuals, cases, investigations, or oper-  
5 ations.

6 (5) CLASSIFIED OR LAW ENFORCEMENT SEN-  
7 SITIVE INFORMATION.—Any content of the general  
8 counterdrug intelligence plan that involves informa-  
9 tion classified under criteria established by an Exec-  
10 utive order, or whose public disclosure, as deter-  
11 mined by the Director of the Office of National  
12 Drug Control Policy, the Director of National Intel-  
13 ligence, or the head of any Federal Government  
14 agency whose activities are described in the plan,  
15 would be detrimental to the law enforcement or na-  
16 tional security activities of any Federal, State, or  
17 local agency, shall be presented to Congress sepa-  
18 rately from the rest of the report.

19 (l) REQUIREMENT FOR SOUTHWEST BORDER COUN-  
20 TERNARCOTICS STRATEGY.—

21 (1) IN GENERAL.—Not later than 120 days  
22 after the date of enactment of this Act, and every  
23 two years thereafter, the Director of National Drug  
24 Control Policy shall submit to the Congress a South-  
25 west Border Counternarcotics Strategy.

1           (2) PURPOSES.—The Southwest Border Coun-  
2   ternarcotics Strategy shall—

3           (A) set forth the Government’s strategy for  
4   preventing the illegal trafficking of drugs across  
5   the international border between the United  
6   States and Mexico, including through ports of  
7   entry and between ports of entry on that bor-  
8   der;

9           (B) state the specific roles and responsibil-  
10   ities of the relevant National Drug Control Pro-  
11   gram agencies (as defined in section 702 of the  
12   Office of National Drug Control Policy Reau-  
13   thorization Act of 1998 (21 U.S.C. 1701)) for  
14   implementing that strategy; and

15          (C) identify the specific resources required  
16   to enable the relevant National Drug Control  
17   Program agencies to implement that strategy.

18          (3) CONSULTATION WITH OTHER AGENCIES.—  
19   The Director shall issue the Southwest Border  
20   Counternarcotics Strategy in consultation with the  
21   heads of the relevant National Drug Control Pro-  
22   gram agencies.

23          (4) LIMITATION.—The Southwest Border Coun-  
24   ternarcotics Strategy shall not change existing agen-  
25   cy authorities or the laws governing interagency re-

1        lationships, but may include recommendations about  
2        changes to such authorities or laws.

3            (5) REPORT TO CONGRESS.—The Director shall  
4        provide a copy of the Southwest Border Counter-  
5        narcotics Strategy to the appropriate congressional  
6        committees (as defined in section 702 of the Office  
7        of National Drug Control Policy Reauthorization Act  
8        of 1998 (21 U.S.C. 1701)), and to the Committee  
9        on Armed Services and the Committee on Homeland  
10       Security of the House of Representatives, and the  
11       Committee on Homeland Security and Governmental  
12       Affairs and the Committee on Armed Services of the  
13       Senate.

14           (6) TREATMENT OF CLASSIFIED OR LAW EN-  
15        FORCEMENT SENSITIVE INFORMATION.—Any con-  
16        tent of the Southwest Border Counternarcotics  
17        Strategy that involves information classified under  
18        criteria established by an Executive order, or whose  
19        public disclosure, as determined by the Director or  
20        the head of any relevant National Drug Control Pro-  
21        gram agency, would be detrimental to the law en-  
22        forcement or national security activities of any Fed-  
23        eral, State, or local agency, shall be presented to  
24        Congress separately from the rest of the strategy.

1 (m) REQUIREMENT FOR SCIENTIFIC STUDY OF  
2 MYCOHERBICIDE IN ILLICIT DRUG CROP ERADI-  
3 CATION.—Not later than 90 days after the date of enact-  
4 ment of this Act, the Director of the Office of National  
5 Drug Control Policy shall submit to the Congress a report  
6 that includes a plan to conduct, on an expedited basis,  
7 a scientific study of the use of mycoherbicide as a means  
8 of illicit drug crop elimination by an appropriate Govern-  
9 ment scientific research entity, including a complete and  
10 thorough scientific peer review. The study shall include an  
11 evaluation of the likely human health and environmental  
12 impacts of such use. The report shall also include a plan  
13 to conduct controlled scientific testing in a major drug  
14 producing nation of mycoherbicide naturally existing in  
15 the producing nation.

16 **SEC. 107. AMENDMENTS RELATING TO COORDINATION**  
17 **WITH OTHER AGENCIES.**

18 Section 705 (21 U.S.C. 1704) is amended—

19 (1) in subsection (a)(1)(A), by striking  
20 “abuse”;

21 (2) in subsection (a)(2)(A), by striking “Direc-  
22 tor of Central Intelligence” and inserting “Director  
23 of National Intelligence”;

24 (3) in subsection (a)(2)(B), by striking “Direc-  
25 tor of Central Intelligence” and inserting “Director

1 of National Intelligence and the Director of the Cen-  
2 tral Intelligence Agency”;

3 (4) by amending paragraph (3) of subsection  
4 (a) to read as follows:

5 “(3) REQUIRED REPORTS.—

6 “(A) SECRETARIES OF THE INTERIOR AND  
7 AGRICULTURE.—The Secretaries of Agriculture  
8 and Interior shall, by July 1 of each year, joint-  
9 ly submit to the Director, the appropriate con-  
10 gressional committees, the Committee on Agri-  
11 culture and the Committee on Resources of the  
12 House of Representatives, and the Committee  
13 on Agriculture and the Committee on Energy  
14 and Natural Resources of the Senate, an as-  
15 sessment of the quantity of illegal drug cultiva-  
16 tion and manufacturing in the United States on  
17 lands owned or under the jurisdiction of the  
18 Federal Government for the preceding year.

19 “(B) ATTORNEY GENERAL.—The Attorney  
20 General shall, by July 1 of each year, submit to  
21 the Director and the appropriate congressional  
22 committees information for the preceding year  
23 regarding the number and type of—

24 “(i) arrests for drug violations;

1                   “(ii) prosecutions for drug violations  
2                   by United States Attorneys; and

3                   “(iii) seizures of drugs by each com-  
4                   ponent of the Department of Justice seiz-  
5                   ing drugs, as well as statistical information  
6                   on the geographic areas of such seizures.

7                   “(C) SECRETARY OF HOMELAND SECU-  
8                   RITY.—The Secretary of Homeland Security  
9                   shall, by July 1 of each year, submit to the Di-  
10                  rector, the appropriate congressional commit-  
11                  tees, and the Committee on Homeland Security  
12                  of the House of Representatives, and the Com-  
13                  mittee on Homeland Security and Govern-  
14                  mental Affairs of the Senate, information for  
15                  the preceding year regarding—

16                  “(i) the number and type of seizures  
17                  of drugs by each component of the Depart-  
18                  ment of Homeland Security seizing drugs,  
19                  as well as statistical information on the ge-  
20                  ographic areas of such seizures; and

21                  “(ii) the number of air and maritime  
22                  patrol hours undertaken by each compo-  
23                  nent of that Department primarily dedi-  
24                  cated to drug supply reduction missions.

1                   “(D) SECRETARY OF DEFENSE.—The Sec-  
2                   retary of Defense shall, by July 1 of each year,  
3                   submit to the Director, the appropriate congres-  
4                   sional committees, the Committee on Armed  
5                   Services of the House of Representatives, and  
6                   the Committee on Armed Services of the Sen-  
7                   ate, information for the preceding year regard-  
8                   ing the number of air and maritime patrol  
9                   hours primarily dedicated to drug supply reduc-  
10                  tion missions undertaken by each component of  
11                  the Department of Defense.”;

12                  (5) in subsection (b)(2)(B), by striking “Pro-  
13                  gram.” and inserting “Strategy.”; and

14                  (6) in subsection (c), by striking “in” and in-  
15                  serting “on”.

16 **SEC. 108. DEVELOPMENT, SUBMISSION, IMPLEMENTATION,**  
17 **AND ASSESSMENT OF NATIONAL DRUG CON-**  
18 **TROL STRATEGY.**

19                  Section 706 (21 U.S.C. 1705) is amended to read as  
20                  follows:



1   **“SEC. 706. DEVELOPMENT, SUBMISSION, IMPLEMENTATION,**  
2                   **AND ASSESSMENT OF NATIONAL DRUG CON-**  
3                   **TROL STRATEGY.**

4           “(a) TIMING, CONTENTS, AND PROCESS FOR DEVEL-  
5   OPMENT AND SUBMISSION OF NATIONAL DRUG CONTROL  
6   STRATEGY.—

7           “(1) IN GENERAL.—Not later than February 1  
8       of each year, the President shall submit to Congress  
9       a National Drug Control Strategy, which shall set  
10      forth a comprehensive plan for reducing illicit drug  
11      use and the consequences of illicit drug use in the  
12      United States by reducing the demand for illegal  
13      drugs, limiting the availability of illegal drugs, and  
14      conducting law enforcement activities with respect to  
15      illegal drugs.

16          “(2) CONTENTS.—

17               “(A) IN GENERAL.—The National Drug  
18       Control Strategy submitted under paragraph  
19       (1) shall include the following:

20                   “(i) Comprehensive, research-based,  
21                   long-range, and quantifiable goals for re-  
22                   ducing illicit drug use and the con-  
23                   sequences of illicit drug use in the United  
24                   States.

25                   “(ii) Annual quantifiable objectives for  
26                   demand reduction, supply reduction, and

1 law enforcement activities, specific targets  
2 to accomplish long-range quantifiable re-  
3 duction in illicit drug use as determined by  
4 the Director, and specific measurements to  
5 evaluate progress toward the targets and  
6 strategic goals.

7 “(iii) A strategy to reduce the avail-  
8 ability and purity of illegal drugs and the  
9 level of drug-related crime in the United  
10 States.

11 “(iv) An assessment of Federal effec-  
12 tiveness in achieving the National Drug  
13 Control Strategy for the previous year, in-  
14 cluding a specific evaluation of whether the  
15 objectives and targets for reducing illicit  
16 drug use for the previous year were met  
17 and reasons for the success or failure of  
18 the previous year’s Strategy.

19 “(v) A general review of the status of,  
20 and trends in, international, State, and  
21 local drug control activities to ensure that  
22 the United States pursues well-coordinated  
23 and effective drug control at all levels of  
24 government.

1 “(vi) A general review of the status  
2 of, and trends in, demand reduction activi-  
3 ties by private sector entities and commu-  
4 nity-based organizations, including faith-  
5 based organizations, to determine their ef-  
6 fectiveness and the extent of cooperation,  
7 coordination, and mutual support between  
8 such entities and organizations and Fed-  
9 eral, State, and local government agencies.

10 “(vii) An assessment of current illicit  
11 drug use (including inhalants and steroids)  
12 and availability, impact of illicit drug use,  
13 and treatment availability, which assess-  
14 ment shall include—

15 “(I) estimates of drug prevalence  
16 and frequency of use as measured by  
17 national, State, and local surveys of il-  
18 licit drug use and by other special  
19 studies of nondependent and depend-  
20 ent illicit drug use;

21 “(II) illicit drug use in the work-  
22 place and the productivity lost by such  
23 use; and

24 “(III) illicit drug use by  
25 arrestees, probationers, and parolees.

1 “(viii) An assessment of the reduction  
2 of illicit drug availability, as measured  
3 by—

4 “(I) the quantities of cocaine,  
5 heroin, marijuana, methamphetamine,  
6 ecstasy, and other drugs available for  
7 consumption in the United States;

8 “(II) the amount of marijuana,  
9 cocaine, heroin, methamphetamine, ec-  
10 stasy, and precursor chemicals and  
11 other drugs entering the United  
12 States;

13 “(III) the number of illicit drug  
14 manufacturing laboratories seized and  
15 destroyed and the number of hectares  
16 of marijuana, poppy, and coca cul-  
17 tivated and destroyed domestically  
18 and in other countries;

19 “(IV) the number of metric tons  
20 of marijuana, heroin, cocaine, and  
21 methamphetamine seized and other  
22 drugs; and

23 “(V) changes in the price and  
24 purity of heroin, methamphetamine,  
25 and cocaine, changes in the price of

1 ecstasy, and changes in  
2 tetrahydrocannabinol level of mari-  
3 juana and other drugs.

4 “(ix) An assessment of the reduction  
5 of the consequences of illicit drug use and  
6 availability, which shall include—

7 “(I) the burden illicit drug users  
8 place on hospital emergency depart-  
9 ments in the United States, such as  
10 the quantity of illicit drug-related  
11 services provided;

12 “(II) the annual national health  
13 care cost of illicit drug use; and

14 “(III) the extent of illicit drug-  
15 related crime and criminal activity.

16 “(x) A general review of the status of,  
17 and trends in, of drug treatment in the  
18 United States, by assessing—

19 “(I) public and private treatment  
20 utilization; and

21 “(II) the number of illicit drug  
22 users the Director estimates meet di-  
23 agnostic criteria for treatment.

24 “(xi) A review of the research agenda  
25 of the Counterdrug Technology Assessment

1 Center to reduce the availability and abuse  
2 of drugs.

3 “(xii) A summary of the efforts made  
4 by Federal agencies to coordinate with pri-  
5 vate sector entities to conduct private re-  
6 search and development of medications to  
7 treat addiction by—

8 “(I) screening chemicals for po-  
9 tential therapeutic value;

10 “(II) developing promising com-  
11 pounds;

12 “(III) conducting clinical trials;

13 “(IV) seeking, where appropriate,  
14 Food and Drug Administration ap-  
15 proval for drugs to treat addiction;

16 “(V) marketing, where appro-  
17 priate, the drug for the treatment of  
18 addiction;

19 “(VI) urging physicians, where  
20 appropriate, to use the drug in the  
21 treatment of addiction; and

22 “(VII) encouraging, where appro-  
23 priate, insurance companies to reim-  
24 burse the cost of the drug for the  
25 treatment of addiction.

1                   “(xiii) Such additional statistical data  
2                   and information as the Director considers  
3                   appropriate to demonstrate and assess  
4                   trends relating to illicit drug use, the ef-  
5                   fects and consequences of illicit drug use,  
6                   supply reduction, demand reduction, drug-  
7                   related law enforcement, and the imple-  
8                   mentation of the National Drug Control  
9                   Strategy.

10                  “(xiv) A supplement reviewing the ac-  
11                  tivities of each individual National Drug  
12                  Control Program agency during the pre-  
13                  vious year with respect to the National  
14                  Drug Control Strategy and the Director’s  
15                  assessment of the progress of each Na-  
16                  tional Drug Control Program agency in  
17                  meeting its responsibilities under the Na-  
18                  tional Drug Control Strategy.

19                  “(B)   CLASSIFIED    INFORMATION.—Any  
20                  contents of the National Drug Control Strategy  
21                  that involve information properly classified  
22                  under criteria established by an Executive order  
23                  shall be presented to Congress separately from  
24                  the rest of the National Drug Control Strategy.

1                   “(C) SELECTION OF DATA AND INFORMA-  
2                   TION.—In selecting data and information for  
3                   inclusion under subparagraph (A), the Director  
4                   shall ensure—

5                   “(i) the inclusion of data and informa-  
6                   tion that will permit analysis of current  
7                   trends against previously compiled data  
8                   and information where the Director be-  
9                   lieves such analysis enhances long-term as-  
10                  sessment of the National Drug Control  
11                  Strategy; and

12                  “(ii) the inclusion of data and infor-  
13                  mation to permit a standardized and uni-  
14                  form assessment of the effectiveness of  
15                  drug treatment programs in the United  
16                  States.

17                  “(3) PROCESS FOR DEVELOPMENT AND SUB-  
18                  MISSION.—

19                  “(A) CONSULTATION.—In developing and  
20                  effectively implementing the National Drug  
21                  Control Strategy, the Director—

22                  “(i) shall consult with—

23                          “(I) the heads of the National  
24                          Drug Control Program agencies;

25                          “(II) Congress;



1 “(III) State and local officials;

2 “(IV) private citizens and organi-  
3 zations, including community- and  
4 faith-based organizations, with experi-  
5 ence and expertise in demand reduc-  
6 tion;

7 “(V) private citizens and organi-  
8 zations with experience and expertise  
9 in supply reduction;

10 “(VI) private citizens and organi-  
11 zations with experience and expertise  
12 in law enforcement; and

13 “(VII) appropriate representa-  
14 tives of foreign governments;

15 “(ii) with the concurrence of the At-  
16 torney General, may require the El Paso  
17 Intelligence Center to undertake specific  
18 tasks or projects to implement the Na-  
19 tional Drug Control Strategy;

20 “(iii) with the concurrence of the Di-  
21 rector of National Intelligence and the At-  
22 torney General, may request that the Na-  
23 tional Drug Intelligence Center undertake  
24 specific tasks or projects to implement the  
25 National Drug Control Strategy; and

1                   “(iv) may make recommendations to  
2                   the Secretary of Health and Human Serv-  
3                   ices on research that supports or advances  
4                   the National Drug Control Strategy.

5                   “(B) COMMITMENT TO SUPPORT STRAT-  
6                   EGY.—In satisfying the requirements of sub-  
7                   paragraph (A)(i), the Director shall ensure, to  
8                   the maximum extent possible, that State and  
9                   local officials and relevant private organizations  
10                  commit to support and take steps to achieve the  
11                  goals and objectives of the National Drug Con-  
12                  trol Strategy.

13                  “(C) RECOMMENDATIONS.—Recommendations  
14                  under subparagraph (A)(iv) may include  
15                  recommendations of research to be performed  
16                  at the National Institutes of Health, including  
17                  the National Institute on Drug Abuse, or any  
18                  other appropriate agency within the Depart-  
19                  ment of Health and Human Services.

20                  “(D) INCLUSION IN STRATEGY.—The Na-  
21                  tional Drug Control Strategy under this sub-  
22                  section shall include a list of each entity con-  
23                  sulted under subparagraph (A)(i).

24                  “(4) SUBMISSION OF REVISED STRATEGY.—The  
25                  President may submit to Congress a revised Na-

1        tional Drug Control Strategy that meets the require-  
2        ments of this section—

3                “(A) at any time, upon a determination by  
4                the President, in consultation with the Director,  
5                that the National Drug Control Strategy in ef-  
6                fect is not sufficiently effective; or

7                “(B) if a new President or Director takes  
8                office.

9        “(b) PERFORMANCE MEASUREMENT SYSTEM.—Not  
10       later than February 1 of each year, the Director shall sub-  
11       mit to Congress, as part of the National Drug Control  
12       Strategy, a description of a national drug control perform-  
13       ance measurement system that—

14               “(1) develops 2-year and 5-year performance  
15               measures and targets for each National Drug Con-  
16               trol Strategy goal and objective established for re-  
17               ducing drug use, drug availability, and the con-  
18               sequences of drug use;

19               “(2) describes the sources of information and  
20               data that will be used for each performance measure  
21               incorporated into the performance measurement sys-  
22               tem;

23               “(3) identifies major programs and activities of  
24               the National Drug Control Program agencies that

1 support the goals and annual objectives of the Na-  
2 tional Drug Control Strategy;

3 “(4) evaluates the contribution of demand re-  
4 duction and supply reduction activities implemented  
5 by each National Drug Control Program agency in  
6 support of the National Drug Control Strategy;

7 “(5) monitors consistency of drug-related goals  
8 and objectives among the National Drug Control  
9 Program agencies and ensures that each agency’s  
10 goals, objectives, and budgets support and are fully  
11 consistent with the National Drug Control Strategy;  
12 and

13 “(6) coordinates the development and imple-  
14 mentation of national drug control data collection  
15 and reporting systems to support policy formulation  
16 and performance measurement, including an assess-  
17 ment of—

18 “(A) the quality of current drug use meas-  
19 urement instruments and techniques to measure  
20 supply reduction and demand reduction activi-  
21 ties;

22 “(B) the adequacy of the coverage of exist-  
23 ing national drug use measurement instruments  
24 and techniques to measure the illicit drug user

1 population, and groups that are at risk for il-  
2 licit drug use; and

3 “(C) the adequacy of the coverage of exist-  
4 ing national treatment outcome monitoring sys-  
5 tems to measure the effectiveness of drug abuse  
6 treatment in reducing illicit drug use and crimi-  
7 nal behavior during and after the completion of  
8 substance abuse treatment; and

9 “(7) identifies the actions the Director shall  
10 take to correct any inadequacies, deficiencies, or lim-  
11 itations identified in the assessment described in  
12 paragraph (6).

13 “(c) MODIFICATIONS.—A description of any modi-  
14 fications made during the preceding year to the national  
15 drug performance measurement system described in sub-  
16 section (b) shall be included in each report submitted  
17 under subsection (a).”.

18 **SEC. 109. HIGH INTENSITY DRUG TRAFFICKING AREAS**  
19 **PROGRAM.**

20 Section 707 (21 U.S.C. 1706) is amended to read as  
21 follows:

22 **“SEC. 707. HIGH INTENSITY DRUG TRAFFICKING AREAS**  
23 **PROGRAM.**

24 “(a) ESTABLISHMENT.—

1           “(1) IN GENERAL.—There is established in the  
2           Office a program to be known as the High Intensity  
3           Drug Trafficking Areas Program (in this section re-  
4           ferred to as the ‘Program’).

5           “(2) PURPOSE.—The purpose of the Program  
6           is to reduce drug trafficking and drug production in  
7           the United States by—

8                   “(A) facilitating cooperation among Fed-  
9                   eral, State, and local law enforcement agencies  
10                  to share information and implement coordinated  
11                  enforcement activities;

12                  “(B) enhancing intelligence sharing among  
13                  Federal, State, and local law enforcement agen-  
14                  cies;

15                  “(C) providing reliable intelligence to law  
16                  enforcement agencies needed to design effective  
17                  enforcement strategies and operations; and

18                  “(D) supporting coordinated law enforce-  
19                  ment strategies which maximize use of available  
20                  resources to reduce the supply of illegal drugs  
21                  in designated areas and in the United States as  
22                  a whole.

23           “(b) DESIGNATION.—The Director, upon consulta-  
24           tion with the Attorney General, the Secretary of the  
25           Treasury, the Secretary of Homeland Security, heads of

1 the National Drug Control Program agencies, and the  
2 Governor of each applicable State, may designate any  
3 specified area of the United States as a high intensity  
4 drug trafficking area. After making such a designation  
5 and in order to provide Federal assistance to the area so  
6 designated, the Director may—

7           “(1) obligate such sums as are appropriated for  
8           the Program;

9           “(2) direct the temporary reassignment of Fed-  
10          eral personnel to such area, subject to the approval  
11          of the head of the department or agency that em-  
12          ploys such personnel;

13          “(3) take any other action authorized under  
14          section 704 to provide increased Federal assistance  
15          to those areas; and

16          “(4) coordinate activities under this section  
17          (specifically administrative, recordkeeping, and funds  
18          management activities) with State and local officials.

19          “(c) PETITIONS FOR DESIGNATION.—The Director  
20          shall establish regulations under which a coalition of inter-  
21          ested law enforcement agencies from an area may petition  
22          for designation as a high intensity drug trafficking area.  
23          Such regulations shall provide for a regular review by the  
24          Director of the petition, including a recommendation re-

1   garding the merit of the petition to the Director by a panel  
2   of qualified, independent experts.

3       “(d) FACTORS FOR CONSIDERATION.—In considering  
4   whether to designate an area under this section as a high  
5   intensity drug trafficking area, the Director shall consider,  
6   in addition to such other criteria as the Director considers  
7   to be appropriate, the extent to which—

8           “(1) the area is a significant center of illegal  
9       drug production, manufacturing, importation, or dis-  
10      tribution;

11          “(2) State and local law enforcement agencies  
12      have committed resources to respond to the drug  
13      trafficking problem in the area, thereby indicating a  
14      determination to respond aggressively to the prob-  
15      lem;

16          “(3) drug-related activities in the area are hav-  
17      ing a significant harmful impact in the area, and in  
18      other areas of the country; and

19          “(4) a significant increase in allocation of Fed-  
20      eral resources is necessary to respond adequately to  
21      drug-related activities in the area.

22       “(e) ORGANIZATION OF HIGH INTENSITY DRUG  
23   TRAFFICKING AREAS.—

24          “(1) EXECUTIVE BOARD AND OFFICERS.—To  
25      be eligible for funds appropriated under this section,



1       each high intensity drug trafficking area shall be  
2       governed by an Executive Board. The Executive  
3       Board shall designate a chairman, vice chairman,  
4       and any other officers to the Executive Board that  
5       it determines are necessary.

6               “(2) RESPONSIBILITIES.—The Executive Board  
7       of a high intensity drug trafficking area shall be re-  
8       sponsible for—

9               “(A) providing direction and oversight in  
10       establishing and achieving the goals of the high  
11       intensity drug trafficking area;

12              “(B) managing the funds of the high in-  
13       tensity drug trafficking area;

14              “(C) reviewing and approving all funding  
15       proposals consistent with the overall objective of  
16       the high intensity drug trafficking area; and

17              “(D) reviewing and approving all reports  
18       to the Director on the activities of the high in-  
19       tensity drug trafficking area.

20              “(3) BOARD REPRESENTATION.—None of the  
21       funds appropriated under this section may be ex-  
22       pended for any high intensity drug trafficking area,  
23       or for a partnership or region of a high intensity  
24       drug trafficking area, if that area’s, region’s or part-  
25       nership’s Executive Board does not apportion an

1 equal number of votes between representatives of  
2 participating Federal agencies and representatives of  
3 participating State and local agencies. Where it is  
4 impractical for a equal number of representatives of  
5 Federal agencies and State and local agencies to at-  
6 tend a meeting of an Executive Board in person, the  
7 Executive Board may use a system of proxy votes or  
8 weighted votes to achieve the voting balance required  
9 by this paragraph.

10 “(4) NO AGENCY RELATIONSHIP.—The eligi-  
11 bility requirements of this section are intended to  
12 ensure the responsible use of Federal funds. Nothing  
13 in this section is intended to create an agency rela-  
14 tionship between individual high intensity drug traf-  
15 ficking areas and the Federal Government.

16 “(f) USE OF FUNDS.—The Director shall ensure that  
17 no Federal funds appropriated for the Program are ex-  
18 pended for the establishment or expansion of drug treat-  
19 ment or drug use prevention programs.

20 “(g) COUNTERTERRORISM ACTIVITIES.—

21 “(1) ASSISTANCE AUTHORIZED.—The Director  
22 may authorize use of resources available for the Pro-  
23 gram to assist Federal, State, and local law enforce-  
24 ment agencies in investigations and activities related  
25 to terrorism and prevention of terrorism, especially

1 but not exclusively with respect to such investiga-  
2 tions and activities that are also related to drug  
3 trafficking.

4 “(2) LIMITATION.—The Director shall ensure—

5 “(A) that assistance provided under para-  
6 graph (1) remains incidental to the purpose of  
7 the Program to reduce drug availability and  
8 carry out drug-related law enforcement activi-  
9 ties; and

10 “(B) that significant resources of the Pro-  
11 gram are not redirected to activities exclusively  
12 related to terrorism, except on a temporary  
13 basis under extraordinary circumstances, as de-  
14 termined by the Director.

15 “(h) ROLE OF DRUG ENFORCEMENT ADMINISTRA-  
16 TION.—The Director, in consultation with the Attorney  
17 General, shall ensure that a representative of the Drug  
18 Enforcement Administration is included in the Intelligence  
19 Support Center for each high intensity drug trafficking  
20 area.

21 “(i) ANNUAL HIDTA PROGRAM BUDGET SUBMIS-  
22 SIONS.—As part of the documentation that supports the  
23 President’s annual budget request for the Office, the Di-  
24 rector shall submit to Congress a budget justification that  
25 includes the following:

1           “(1) The amount requested for each high inten-  
2           sity drug trafficking area with supporting narrative  
3           descriptions and rationale for each request.

4           “(2) A detailed justification for each funding  
5           request that explains the reasons for the requested  
6           funding level, how such funding level was determined  
7           based on a current assessment of the drug traf-  
8           ficking threat in each high intensity drug trafficking  
9           area, how such funding will ensure that the goals  
10          and objectives of each such area will be achieved,  
11          and how such funding supports the National Drug  
12          Control Strategy.

13          “(j) EMERGING THREAT RESPONSE FUND.—

14                 “(1) IN GENERAL.—The Director may expend  
15                 up to 10 percent of the amounts appropriated under  
16                 this section on a discretionary basis, to respond to  
17                 any emerging drug trafficking threat in an existing  
18                 high intensity drug trafficking area, or to establish  
19                 a new high intensity drug trafficking area or expand  
20                 an existing high intensity drug trafficking area, in  
21                 accordance with the criteria established under para-  
22                 graph (2).

23                 “(2) CONSIDERATION OF IMPACT.—In allo-  
24                 cating funds under this subsection, the Director  
25                 shall consider—

1           “(A) the impact of activities funded on re-  
2           ducing overall drug traffic in the United States,  
3           or minimizing the probability that an emerging  
4           drug trafficking threat will spread to other  
5           areas of the United States; and

6           “(B) such other criteria as the Director  
7           considers appropriate.

8           “(k) EVALUATION.—

9           “(1) INITIAL REPORT.—Not later than 90 days  
10          after the date of the enactment of this subsection,  
11          the Director shall, after consulting with the Execu-  
12          tive Boards of each designated high intensity drug  
13          trafficking area, submit a report to Congress that  
14          describes, for each designated high intensity drug  
15          trafficking area—

16               “(A) the specific purposes for the high in-  
17               tensity drug trafficking area;

18               “(B) the specific long-term and short-term  
19               goals and objectives for the high intensity drug  
20               trafficking area;

21               “(C) the measurements that will be used to  
22               evaluate the performance of the high intensity  
23               drug trafficking area in achieving the long-term  
24               and short-term goals; and

1           “(D) the reporting requirements needed to  
2           evaluate the performance of the high intensity  
3           drug trafficking area in achieving the long-term  
4           and short-term goals.

5           “(2) EVALUATION OF HIDTA PROGRAM AS PART  
6           OF NATIONAL DRUG CONTROL STRATEGY.—For each  
7           designated high intensity drug trafficking area, the  
8           Director shall submit, as part of the annual National  
9           Drug Control Strategy report, a report that—

10           “(A) describes—

11                   “(i) the specific purposes for the high  
12                   intensity drug trafficking area; and

13                   “(ii) the specific long-term and short-  
14                   term goals and objectives for the high in-  
15                   tensity drug trafficking area; and

16           “(B) includes an evaluation of the per-  
17           formance of the high intensity drug trafficking  
18           area in accomplishing the specific long-term  
19           and short-term goals and objectives identified  
20           under paragraph (1)(B).

21           “(1) ASSESSMENT OF DRUG ENFORCEMENT TASK  
22           FORCES IN HIGH INTENSITY DRUG TRAFFICKING  
23           AREAS.—Not later than 180 days after the date of enact-  
24           ment of this subsection, and as part of each subsequent

1 annual National Drug Control Strategy report, the Direc-  
2 tor shall submit to Congress a report—

3 “(1) assessing the number and operation of all  
4 federally funded drug enforcement task forces within  
5 each high intensity drug trafficking area; and

6 “(2) describing—

7 “(A) each Federal, State, and local drug  
8 enforcement task force operating in the high in-  
9 tensity drug trafficking area;

10 “(B) how such task forces coordinate with  
11 each other, with any high intensity drug traf-  
12 ficking area task force, and with investigations  
13 receiving funds from the Organized Crime and  
14 Drug Enforcement Task Force;

15 “(C) what steps, if any, each such task  
16 force takes to share information regarding drug  
17 trafficking and drug production with other fed-  
18 erally funded drug enforcement task forces in  
19 the high intensity drug trafficking area;

20 “(D) the role of the high intensity drug  
21 trafficking area in coordinating the sharing of  
22 such information among task forces;

23 “(E) the nature and extent of cooperation  
24 by each Federal, State, and local participant in  
25 ensuring that such information is shared among

1 law enforcement agencies and with the high in-  
2 tensity drug trafficking area;

3 “(F) the nature and extent to which infor-  
4 mation sharing and enforcement activities are  
5 coordinated with joint terrorism task forces in  
6 the high intensity drug trafficking area; and

7 “(G) any recommendations for measures  
8 needed to ensure that task force resources are  
9 utilized efficiently and effectively to reduce the  
10 availability of illegal drugs in the high intensity  
11 drug trafficking areas.

12 “(m) ASSESSMENT OF INTELLIGENCE SHARING IN  
13 HIGH INTENSITY DRUG TRAFFICKING AREAS—PRO-  
14 GRAM.—Not later than 180 days after the date of the en-  
15 actment of this subsection, and as part of each subsequent  
16 annual National Drug Control Strategy report, the Direc-  
17 tor shall submit to Congress a report—

18 “(1) evaluating existing and planned intel-  
19 ligence systems supported by each high intensity  
20 drug trafficking area, or utilized by task forces re-  
21 ceiving any funding under the Program, including  
22 the extent to which such systems ensure access and  
23 availability of intelligence to Federal, State, and  
24 local law enforcement agencies within the high inten-  
25 sity drug trafficking area and outside of it;



1           “(2) the extent to which Federal, State, and  
2           local law enforcement agencies participating in each  
3           high intensity drug trafficking area are sharing in-  
4           telligence information to assess current drug traf-  
5           ficking threats and design appropriate enforcement  
6           strategies; and

7           “(3) the measures needed to improve effective  
8           sharing of information and intelligence regarding  
9           drug trafficking and drug production among Fed-  
10          eral, State, and local law enforcement participating  
11          in a high intensity drug trafficking area, and be-  
12          tween such agencies and similar agencies outside the  
13          high intensity drug trafficking area.

14          “(n) AUTHORIZATION OF APPROPRIATIONS.—There  
15          is authorized to be appropriated to the Office of National  
16          Drug Control Policy to carry out this section—

17                 “(1) \$280,000,000 for fiscal year 2006;

18                 “(2) \$290,000,000 for each of fiscal years 2007  
19                 and 2008; and

20                 “(3) \$300,000,000 for each of fiscal years 2009  
21                 and 2010.”.

22         **SEC. 110. FUNDING FOR CERTAIN HIGH INTENSITY DRUG**  
23                 **TRAFFICKING AREAS.**

24                 (a) SHORT TITLE.—This section may be cited as the  
25                 “Dawson Family Community Protection Act”.

1 (b) FINDINGS.—Congress finds the following:

2 (1) In the early morning hours of October 16,  
3 2002, the home of Carnell and Angela Dawson was  
4 firebombed in apparent retaliation for Mrs.  
5 Dawson's notification of police about persistent drug  
6 distribution activity in their East Baltimore City  
7 neighborhood.

8 (2) The arson claimed the lives of Mr. and Mrs.  
9 Dawson and their 5 young children, aged 9 to 14.

10 (3) The horrific murder of the Dawson family  
11 is a stark example of domestic narco-terrorism.

12 (4) In all phases of counter-narcotics law en-  
13 forcement—from prevention to investigation to pros-  
14 ecution to reentry—the voluntary cooperation of or-  
15 dinary citizens is a critical component.

16 (5) Voluntary cooperation is difficult for law en-  
17 forcement officials to obtain when citizens feel that  
18 cooperation carries the risk of violent retaliation by  
19 illegal drug trafficking organizations and their affili-  
20 ates.

21 (6) Public confidence that law enforcement is  
22 doing all it can to make communities safe is a pre-  
23 requisite for voluntary cooperation among people  
24 who may be subject to intimidation or reprisal (or  
25 both).

1           (7) Witness protection programs are insufficient  
2           on their own to provide security because many indi-  
3           viduals and families who strive every day to make  
4           distressed neighborhoods livable for their children,  
5           other relatives, and neighbors will resist or refuse of-  
6           fers of relocation by local, State, and Federal pros-  
7           ecutorial agencies and because, moreover, the contin-  
8           ued presence of strong individuals and families is  
9           critical to preserving and strengthening the social  
10          fabric in such communities.

11          (8) Where (as in certain sections of Baltimore  
12          City) interstate trafficking of illegal drugs has severe  
13          ancillary local consequences within areas designated  
14          as high intensity drug trafficking areas, it is impor-  
15          tant that supplementary High Intensity Drug Traf-  
16          ficking Areas Program funds be committed to sup-  
17          port initiatives aimed at making the affected com-  
18          munities safe for the residents of those communities  
19          and encouraging their cooperation with local, State,  
20          and Federal law enforcement efforts to combat ille-  
21          gal drug trafficking.

22          (c) FUNDING FOR CERTAIN HIGH INTENSITY DRUG  
23          TRAFFICKING AREAS.—Section 707 (21 U.S.C. 1706), as  
24          amended by section 109, is further amended by adding  
25          at the end the following new subsection:

1 “(o) SPECIFIC PURPOSES.—

2 “(1) IN GENERAL.—The Director shall ensure  
3 that, of the amounts appropriated for a fiscal year  
4 for the Program, at least \$5,000,000 is used in high  
5 intensity drug trafficking areas with severe neigh-  
6 borhood safety and illegal drug distribution prob-  
7 lems.

8 “(2) REQUIRED USES.—The funds used under  
9 paragraph (1) shall be used—

10 “(A) to ensure the safety of neighborhoods  
11 and the protection of communities, including  
12 the prevention of the intimidation of potential  
13 witnesses of illegal drug distribution and related  
14 activities; and

15 “(B) to combat illegal drug trafficking  
16 through such methods as the Director considers  
17 appropriate, such as establishing or operating  
18 (or both) a toll-free telephone hotline for use by  
19 the public to provide information about illegal  
20 drug-related activities.”.

21 **SEC. 111. AMENDMENTS RELATING TO COUNTER-DRUG**  
22 **TECHNOLOGY ASSESSMENT CENTER.**

23 (a) CHIEF SCIENTIST.—Section 708(b) (21 U.S.C.  
24 1707(b)) is amended—

1 (1) in the heading by striking “DIRECTOR OF  
2 TECHNOLOGY.—” and inserting “CHIEF SCI-  
3 ENTIST.—”; and

4 (2) by striking “Director of Technology,” and  
5 inserting “Chief Scientist,”.

6 (b) ADDITIONAL RESPONSIBILITIES OF DIRECTOR.—  
7 Section 708(c) (21 U.S.C. 1707(c)) is amended to read  
8 as follows:

9 “(c) ADDITIONAL RESPONSIBILITIES OF THE DIREC-  
10 TOR OF NATIONAL DRUG CONTROL POLICY.—

11 “(1) IN GENERAL.—The Director, acting  
12 through the Chief Scientist shall—

13 “(A) identify and define the short-, me-  
14 dium-, and long-term scientific and techno-  
15 logical needs of Federal, State, and local law  
16 enforcement agencies relating to drug enforce-  
17 ment, including—

18 “(i) advanced surveillance, tracking,  
19 and radar imaging;

20 “(ii) electronic support measures;

21 “(iii) communications;

22 “(iv) data fusion, advanced computer  
23 systems, and artificial intelligence; and

1                   “(v) chemical, biological, radiological  
2                   (including neutron, electron, and graviton),  
3                   and other means of detection;

4                   “(B) identify demand reduction (including  
5                   drug prevention) basic and applied research  
6                   needs and initiatives, in consultation with af-  
7                   fected National Drug Control Program agen-  
8                   cies, including—

9                   “(i) improving treatment through  
10                  neuroscientific advances;

11                  “(ii) improving the transfer of bio-  
12                  medical research to the clinical setting; and

13                  “(iii) in consultation with the Na-  
14                  tional Institute on Drug Abuse and the  
15                  Substance Abuse and Mental Health Serv-  
16                  ices Administration, and through inter-  
17                  agency agreements or grants, examining  
18                  addiction and rehabilitation research and  
19                  the application of technology to expanding  
20                  the effectiveness or availability of drug  
21                  treatment;

22                  “(C) make a priority ranking of such needs  
23                  identified in subparagraphs (A) and (B) accord-  
24                  ing to fiscal and technological feasibility, as

1 part of a National Counterdrug Research and  
2 Development Program;

3 “(D) oversee and coordinate counterdrug  
4 technology initiatives with related activities of  
5 other Federal civilian and military departments;

6 “(E) provide support to the development  
7 and implementation of the national drug control  
8 performance measurement system established  
9 under subsection (b) of section 706;

10 “(F) with the advice and counsel of experts  
11 from State and local law enforcement agencies,  
12 oversee and coordinate a technology transfer  
13 program for the transfer of technology to State  
14 and local law enforcement agencies; and

15 “(G) pursuant to the authority of the Di-  
16 rector of National Drug Control Policy under  
17 section 704, submit requests to Congress for  
18 the reprogramming or transfer of funds appro-  
19 priated for counterdrug technology research and  
20 development.

21 “(2) PRIORITIES IN TRANSFERRING TECH-  
22 NOLOGY.—

23 “(A) IN GENERAL.—The Chief Scientist  
24 shall give priority, in transferring technology

1 under paragraph (1)(F), based on the following  
2 criteria:

3 “(i) the need of potential recipients  
4 for such technology;

5 “(ii) the effectiveness of the tech-  
6 nology to enhance current counterdrug ac-  
7 tivities of potential recipients; and

8 “(iii) the ability and willingness of po-  
9 tential recipients to evaluate transferred  
10 technology.

11 “(B) INTERDICTION AND BORDER DRUG  
12 LAW ENFORCEMENT TECHNOLOGIES.—The  
13 Chief Scientist shall give priority, in transfer-  
14 ring technologies most likely to assist in drug  
15 interdiction and border drug law enforcement,  
16 to State, local, and tribal law enforcement agen-  
17 cies in southwest border areas and northern  
18 border areas with significant traffic in illicit  
19 drugs.

20 “(3) LIMITATION ON AUTHORITY.—The author-  
21 ity granted to the Director under this subsection  
22 shall not extend to the direct management of indi-  
23 vidual projects or other operational activities.

24 “(4) REPORT.—On or before July 1 of each  
25 year, the Director shall submit a report to the ap-



1       appropriate congressional committees that addresses  
2       the following:

3               “(A) The number of requests received dur-  
4               ing the previous 12 months, including the iden-  
5               tity of each requesting agency and the type of  
6               technology requested.

7               “(B) The number of requests fulfilled dur-  
8               ing the previous 12 months, including the iden-  
9               tity of each recipient agency and the type of  
10              technology transferred.

11              “(C) A summary of the criteria used in  
12              making the determination on what requests  
13              were funded and what requests were not fund-  
14              ed, except that such summary shall not include  
15              specific information on any individual requests.

16              “(D) A general assessment of the future  
17              needs of the program, based on expected  
18              changes in threats, expected technologies, and  
19              likely need from potential recipients.

20              “(E) An assessment of the effectiveness of  
21              the technologies transferred, based in part on  
22              the evaluations provided by the recipients, with  
23              a recommendation whether the technology  
24              should continue to be offered through the pro-  
25              gram.”.

1 (c) ASSISTANCE FROM SECRETARY OF HOMELAND  
2 SECURITY.—Section 708(d) (21 U.S.C. 1707(d)) is  
3 amended by inserting “, the Secretary of Homeland Secu-  
4 rity,” after “The Secretary of Defense”.

5 **SEC. 112. NATIONAL YOUTH ANTIDRUG MEDIA CAMPAIGN.**

6 (a) IN GENERAL.—Section 709 (21 U.S.C. 1708) is  
7 amended to read as follows:

8 **“SEC. 709. NATIONAL YOUTH ANTIDRUG MEDIA CAMPAIGN.**

9 “(a) IN GENERAL.—The Director shall conduct a na-  
10 tional youth anti-drug media campaign (referred to in this  
11 subtitle as the ‘national media campaign’) in accordance  
12 with this section for the purposes of—

13 “(1) preventing drug abuse among young peo-  
14 ple in the United States;

15 “(2) increasing awareness of adults of the im-  
16 pact of drug abuse on young people; and

17 “(3) encouraging parents and other interested  
18 adults to discuss with young people the dangers of  
19 illegal drug use.

20 “(b) USE OF FUNDS.—

21 “(1) IN GENERAL.—Amounts made available to  
22 carry out this section for the national media cam-  
23 paign may only be used for the following:

1           “(A) The purchase of media time and  
2 space, including the strategic planning for, and  
3 accounting of, such purchases.

4           “(B) Creative and talent costs, consistent  
5 with paragraph (2)(A).

6           “(C) Advertising production costs.

7           “(D) Testing and evaluation of advertising.

8           “(E) Evaluation of the effectiveness of the  
9 national media campaign.

10          “(F) The negotiated fees for the winning  
11 bidder on requests for proposals issued either  
12 by the Office or its designee to enter into con-  
13 tracts to carry out activities authorized by this  
14 section.

15          “(G) Partnerships with professional and  
16 civic groups, community-based organizations,  
17 including faith-based organizations, and govern-  
18 ment organizations related to the national  
19 media campaign.

20          “(H) Entertainment industry outreach,  
21 interactive outreach, media projects and activi-  
22 ties, public information, news media outreach,  
23 and corporate sponsorship and participation.

24          “(I) Operational and management ex-  
25 penses.

1           “(2) SPECIFIC REQUIREMENTS.—

2           “(A) CREATIVE SERVICES.—

3           “(i) In using amounts for creative and  
4           talent costs under paragraph (1)(B), the  
5           Director shall use creative services donated  
6           at no cost to the Government (including  
7           creative services provided by the Partner-  
8           ship for a Drug-Free America) wherever  
9           feasible and may only procure creative  
10          services for advertising—

11          “(I) responding to high-priority  
12          or emergent campaign needs that can-  
13          not timely be obtained at no cost; or

14          “(II) intended to reach a minor-  
15          ity, ethnic, or other special audience  
16          that cannot reasonably be obtained at  
17          no cost; or

18          “(III) the Director determines  
19          that the Partnership for a Drug-Free  
20          America is unable to provide, pursu-  
21          ant to subsection (d)(2)(B).

22          “(ii) No more than \$1,500,000 may  
23          be expended under this section each fiscal  
24          year on creative services, except that the  
25          Director may expend up to \$2,000,000 in

1 a fiscal year on creative services to meet  
2 urgent needs of the national media cam-  
3 paign with advance approval from the  
4 Committee on Appropriations of the House  
5 of Representatives and of the Senate upon  
6 a showing of the circumstances causing  
7 such urgent needs of the national media  
8 campaign.

9 “(B) TESTING AND EVALUATION OF AD-  
10 VERTISING.—In using amounts for testing and  
11 evaluation of advertising under paragraph  
12 (1)(D), the Director shall test all advertise-  
13 ments prior to use in the national media cam-  
14 paign to ensure that the advertisements are ef-  
15 fective and meet industry-accepted standards.  
16 The Director may waive this requirement for  
17 advertisements using no more than 10 percent  
18 of the purchase of advertising time purchased  
19 under this section in a fiscal year and no more  
20 than 10 percent of the advertising space pur-  
21 chased under this section in a fiscal year, if the  
22 advertisements respond to emergent and time-  
23 sensitive campaign needs or the advertisements  
24 will not be widely utilized in the national media  
25 campaign.

1                   “(C) EVALUATION OF EFFECTIVENESS OF  
2                   MEDIA CAMPAIGN.—In using amounts for the  
3                   evaluation of the effectiveness of the national  
4                   media campaign under paragraph (1)(E), the  
5                   Director shall—

6                   “(i) designate an independent entity  
7                   to evaluate annually the effectiveness of  
8                   the national media campaign based on  
9                   data from—

10                   “(I) the Monitoring the Future  
11                   Study published by the Department of  
12                   Health and Human Services;

13                   “(II) the Attitude Tracking  
14                   Study published by the Partnership  
15                   for a Drug Free America;

16                   “(III) the National Household  
17                   Survey on Drug Abuse; and

18                   “(IV) other relevant studies or  
19                   publications, as determined by the Di-  
20                   rector, including tracking and evalua-  
21                   tion data collected according to mar-  
22                   keting and advertising industry stand-  
23                   ards; and

24                   “(ii) ensure that the effectiveness of  
25                   the national media campaign is evaluated

1 in a manner that enables consideration of  
2 whether the national media campaign has  
3 contributed to reduction of illicit drug use  
4 among youth and such other measures of  
5 evaluation as the Director determines are  
6 appropriate.

7 “(3) PURCHASE OF ADVERTISING TIME AND  
8 SPACE.—For each fiscal year, not less than 77 per-  
9 cent of the amounts appropriated under this section  
10 shall be used for the purchase of advertising time  
11 and space for the national media campaign, subject  
12 to the following exceptions:

13 “(A) In any fiscal year for which less than  
14 \$125,000,000 is appropriated for the national  
15 media campaign, not less than 82 percent of  
16 the amounts appropriated under this section  
17 shall be used for the purchase of advertising  
18 time and space for the national media cam-  
19 paign.

20 “(B) In any fiscal year for which more  
21 than \$195,000,000 is appropriated under this  
22 section, not less than 72 percent shall be used  
23 for advertising production costs and the pur-  
24 chase of advertising time and space for the na-  
25 tional media campaign.

1       “(c) ADVERTISING.—In carrying out this section, the  
2 Director shall ensure that sufficient funds are allocated  
3 to meet the stated goals of the national media campaign.

4       “(d) DIVISION OF RESPONSIBILITIES AND FUNC-  
5 TIONS UNDER THE PROGRAM.—

6           “(1) IN GENERAL.—The Director, in consulta-  
7 tion with the Partnership for a Drug-Free America,  
8 shall determine the overall purposes and strategy of  
9 the national media campaign.

10          “(2) RESPONSIBILITIES.—

11           “(A) DIRECTOR.—The Director shall be  
12 responsible for implementing a focused national  
13 media campaign to meet the purposes set forth  
14 in subsection (a), and shall approve—

15           “(i) the strategy of the national media  
16 campaign;

17           “(ii) all advertising and promotional  
18 material used in the national media cam-  
19 paign; and

20           “(iii) the plan for the purchase of ad-  
21 vertising time and space for the national  
22 media campaign.

23           “(B) THE PARTNERSHIP FOR A DRUG-  
24 FREE AMERICA.—The Director shall request



1           that the Partnership for a Drug-Free  
2           America—

3                   “(i) develop and recommend strategies  
4                   to achieve the goals of the national media  
5                   campaign, including addressing national  
6                   and local drug threats in specific regions  
7                   or States, such as methamphetamine and  
8                   ecstasy;

9                   “(ii) create all advertising to be used  
10                  in the national media campaign, except ad-  
11                  vertisements that are—

12                           “(I) provided by other nonprofit  
13                           entities pursuant to subsection (f);

14                           “(II) intended to respond to  
15                           high-priority or emergent campaign  
16                           needs that cannot timely be obtained  
17                           at no cost (not including production  
18                           costs and talent reuse payments), pro-  
19                           vided that any such advertising mate-  
20                           rial is reviewed by the Partnership for  
21                           a Drug-Free America;

22                           “(III) intended to reach a minor-  
23                           ity, ethnic, or other special audience  
24                           that cannot be obtained at no cost  
25                           (not including production costs and

1 talent reuse payments), provided that  
2 any such advertising material is re-  
3 viewed by the Partnership for a Drug-  
4 Free America; or

5 “(IV) any other advertisements  
6 that the Director determines that the  
7 Partnership for a Drug-Free America  
8 is unable to provide.

9 “(C) MEDIA BUYING CONTRACTOR.—The  
10 Director shall enter into a contract with a  
11 media buying contractor to plan and purchase  
12 advertising time and space for the national  
13 media campaign. The media buying contractor  
14 shall not provide any other service or material,  
15 or conduct any other function or activity which  
16 the Director determines should be provided by  
17 the Partnership for a Drug-Free America.

18 “(e) PROHIBITIONS.—None of the amounts made  
19 available under subsection (b) may be obligated or ex-  
20 pended for any of the following:

21 “(1) To supplant current antidrug community-  
22 based coalitions.

23 “(2) To supplant pro bono public service time  
24 donated by national and local broadcasting networks  
25 for other public service campaigns.

1           “(3) For partisan political purposes, or express  
2           advocacy in support of or to defeat any clearly iden-  
3           tified candidate, clearly identified ballot initiative, or  
4           clearly identified legislative or regulatory proposal.

5           “(4) To fund advertising that features any  
6           elected officials, persons seeking elected office, cabi-  
7           net level officials, or other Federal officials employed  
8           pursuant to section 213 of Schedule C of title 5,  
9           Code of Federal Regulations.

10           “(5) To fund advertising that does not contain  
11           a primary message intended to reduce or prevent il-  
12           licit drug use.

13           “(6) To fund advertising containing a primary  
14           message intended to promote support for the media  
15           campaign or private sector contributions to the  
16           media campaign.

17           “(f) MATCHING REQUIREMENT.—

18           “(1) IN GENERAL.—Amounts made available  
19           under subsection (b) for media time and space shall  
20           be matched by an equal amount of non-Federal  
21           funds for the national media campaign, or be  
22           matched with in-kind contributions of the same  
23           value.

24           “(2) NO-COST MATCH ADVERTISING DIRECT RE-  
25           LATIONSHIP REQUIREMENT.—The Director shall en-

1       sure that at least 70 percent of no-cost match adver-  
2       tising provided directly relates to substance abuse  
3       prevention consistent with the specific purposes of  
4       the national media campaign, except that in any fis-  
5       cal year in which less than \$125,000,000 is appro-  
6       priated to the national media campaign, the Director  
7       shall ensure that at least 85 percent of no-cost  
8       match advertising directly relates to substance abuse  
9       prevention consistent with the specific purposes of  
10      the national media campaign.

11           “(3) NO-COST MATCH ADVERTISING NOT DI-  
12      RECTLY RELATED.—The Director shall ensure that  
13      no-cost match advertising that does not directly re-  
14      late to substance abuse prevention consistent with  
15      the purposes of the national media campaign in-  
16      cludes a clear antidrug message. Such message is  
17      not required to be the primary message of the match  
18      advertising.

19           “(g) FINANCIAL AND PERFORMANCE ACCOUNT-  
20      ABILITY.—The Director shall cause to be performed—

21           “(1) audits and reviews of costs of the national  
22      media campaign pursuant to section 304C of the  
23      Federal Property and Administrative Services Act of  
24      1949 (41 U.S.C. 254d); and

1           “(2) an audit to determine whether the costs of  
2           the national media campaign are allowable under  
3           section 306 of such Act (41 U.S.C. 256).

4           “(h) REPORT TO CONGRESS.—The Director shall  
5           submit on an annual basis a report to Congress that  
6           describes—

7           “(1) the strategy of the national media cam-  
8           paign and whether specific objectives of the media  
9           campaign were accomplished;

10           “(2) steps taken to ensure that the national  
11           media campaign operates in an effective and effi-  
12           cient manner consistent with the overall strategy  
13           and focus of the national media campaign;

14           “(3) plans to purchase advertising time and  
15           space;

16           “(4) policies and practices implemented to en-  
17           sure that Federal funds are used responsibly to pur-  
18           chase advertising time and space and eliminate the  
19           potential for waste, fraud, and abuse; and

20           “(5) all contracts entered into with a corpora-  
21           tion, partnership, or individual working on behalf of  
22           the national media campaign.

23           “(i) LOCAL TARGET REQUIREMENT.—The Director  
24           shall, to the maximum extent feasible, use amounts made  
25           available under this section for media that focuses on, or

1 includes specific information on, prevention or treatment  
2 resources for consumers within specific local areas.

3 “(j) PREVENTION OF MARIJUANA USE.—

4 “(1) FINDINGS.—The Congress finds the fol-  
5 lowing:

6 “(A) 60 percent of adolescent admissions  
7 for drug treatment are based on marijuana use.

8 “(B) Potency levels of contemporary mari-  
9 juana, particularly hydroponically grown mari-  
10 juana, are significantly higher than in the past,  
11 rising from under 1 percent of THC in the mid-  
12 1970s to as high as 30 percent today.

13 “(C) Contemporary research has dem-  
14 onstrated that youths smoking marijuana early  
15 in life may be up to five times more likely to  
16 use hard drugs.

17 “(D) Contemporary research has dem-  
18 onstrated clear detrimental effects in adolescent  
19 educational achievement resulting from mari-  
20 juana use.

21 “(E) Contemporary research has dem-  
22 onstrated clear detrimental effects in adolescent  
23 brain development resulting from marijuana  
24 use.

1           “(F) An estimated 9,000,000 Americans a  
2           year drive while under the influence of illegal  
3           drugs, including marijuana.

4           “(G) Marijuana smoke contains 50 to 70  
5           percent more of certain cancer causing chemi-  
6           cals than tobacco smoke.

7           “(H) Teens who use marijuana are up to  
8           four times more likely to have a teen pregnancy  
9           than teens who have not.

10          “(I) Federal law enforcement agencies  
11          have identified clear links suggesting that trade  
12          in hydroponic marijuana facilitates trade by  
13          criminal organizations in hard drugs, including  
14          heroin.

15          “(J) Federal law enforcement agencies  
16          have identified possible links between trade in  
17          cannabis products and financing for terrorist  
18          organizations.

19          “(2) EMPHASIS ON PREVENTION OF YOUTH  
20          MARIJUANA USE.—In conducting advertising and ac-  
21          tivities otherwise authorized under this section, the  
22          Director may emphasize prevention of youth mari-  
23          juana use.

24          “(k) AUTHORIZATION OF APPROPRIATIONS.—There  
25          is authorized to be appropriated to the Office to carry out

1 this section, \$195,000,000 for each of fiscal years 2006  
2 and 2007 and \$210,000,000 for each of fiscal years 2008  
3 through 2010.”.

4 (b) REPEAL OF SUPERSEDED PROVISIONS.—The  
5 Drug-Free Media Campaign Act of 1998 (21 U.S.C. 1801  
6 et seq.) is repealed.

7 **SEC. 113. DRUG INTERDICTION.**

8 (a) IN GENERAL.—Subsections (a) and (b) of section  
9 711 (21 U.S.C. 1710) are amended to read as follows:

10 “(a) UNITED STATES INTERDICTION COORDI-  
11 NATOR.—

12 “(1) IN GENERAL.—The Deputy Director for  
13 Supply Reduction in the Office shall serve as the  
14 United States Interdiction Coordinator, and shall  
15 perform the duties of that position described in  
16 paragraph (2) and such other duties as may be de-  
17 termined by the Director with respect to coordina-  
18 tion of efforts to interdict illicit drugs from entering  
19 the United States.

20 “(2) RESPONSIBILITIES.—The United States  
21 Interdiction Coordinator shall be responsible to the  
22 Director for—

23 “(A) coordinating the interdiction activities  
24 of the National Drug Control Program agencies



1 to ensure consistency with the National Drug  
2 Control Strategy;

3 “(B) on behalf of the Director, developing  
4 and issuing, on or before March 1 of each year  
5 and in accordance with paragraph (3), a Na-  
6 tional Interdiction Command and Control Plan  
7 to ensure the coordination and consistency de-  
8 scribed in subparagraph (A);

9 “(C) assessing the sufficiency of assets  
10 committed to illicit drug interdiction by the rel-  
11 evant National Drug Control Program agencies;  
12 and

13 “(D) advising the Director on the efforts  
14 of each National Drug Control Program agency  
15 to implement the National Interdiction Com-  
16 mand and Control Plan.

17 “(3) STAFF.—The Director shall assign such  
18 permanent staff of the Office as he considers appro-  
19 priate to assist the United States Interdiction Coor-  
20 dinator to carry out the responsibilities described in  
21 paragraph (2), and may also, at his discretion, re-  
22 quest that appropriate National Drug Control Pro-  
23 gram agencies detail or assign staff to the Office of  
24 Supply Reduction for that purpose.

1           “(4) NATIONAL INTERDICTION COMMAND AND  
2           CONTROL PLAN.—

3           “(A) PURPOSES.—The National Interdic-  
4           tion Command and Control Plan shall—

5                   “(i) set forth the Government’s strat-  
6                   egy for drug interdiction;

7                   “(ii) state the specific roles and re-  
8                   sponsibilities of the relevant National Drug  
9                   Control Program agencies for imple-  
10                  menting that strategy; and

11                  “(iii) identify the specific resources re-  
12                  quired to enable the relevant National  
13                  Drug Control Program agencies to imple-  
14                  ment that strategy.

15           “(B) CONSULTATION WITH OTHER AGEN-  
16           CIES.—The United States Interdiction Coordi-  
17           nator shall issue the National Interdiction Com-  
18           mand and Control Plan in consultation with the  
19           other members of the Interdiction Committee  
20           described in subsection (b).

21           “(C) LIMITATION.—The National Interdic-  
22           tion Command and Control Plan shall not  
23           change existing agency authorities or the laws  
24           governing interagency relationships, but may in-

1           clude recommendations about changes to such  
2           authorities or laws.

3           “(D) REPORT TO CONGRESS.—On or be-  
4           fore March 1 of each year, the United States  
5           Interdiction Coordinator shall provide a report  
6           on behalf of the Director to the appropriate  
7           congressional committees, to the Committee on  
8           Armed Services and the Committee on Home-  
9           land Security of the House of Representatives,  
10          and to the Committee on Homeland Security  
11          and Governmental Affairs and the Committee  
12          on Armed Services of the Senate, which shall  
13          include—

14               “(i) a copy of that year’s National  
15               Interdiction Command and Control Plan;

16               “(ii) information for the previous 10  
17               years regarding the number and type of  
18               seizures of drugs by each National Drug  
19               Control Program agency conducting drug  
20               interdiction activities, as well as statistical  
21               information on the geographic areas of  
22               such seizures; and

23               “(iii) information for the previous 10  
24               years regarding the number of air and  
25               maritime patrol hours undertaken by each

1 National Drug Control Program agency  
2 conducting drug interdiction activities, as  
3 well as statistical information on the geo-  
4 graphic areas in which such patrol hours  
5 took place.

6 “(E) TREATMENT OF CLASSIFIED OR LAW  
7 ENFORCEMENT SENSITIVE INFORMATION.—Any  
8 content of the report described in subparagraph  
9 (D) that involves information classified under  
10 criteria established by an Executive order, or  
11 the public disclosure of which, as determined by  
12 the United States Interdiction Coordinator or  
13 the head of any relevant National Drug Control  
14 Program agency, would be detrimental to the  
15 law enforcement or national security activities  
16 of any Federal, State, or local agency, shall be  
17 presented to Congress separately from the rest  
18 of the plan.

19 “(b) INTERDICTION COMMITTEE.—

20 “(1) IN GENERAL.—The Interdiction Com-  
21 mittee shall meet to—

22 “(A) discuss and resolve issues related to  
23 the coordination, oversight and integration of  
24 international, border, and domestic drug inter-

1           diction efforts in support of the National Drug  
2           Control Strategy;

3           “(B) review the annual National Interdic-  
4           tion Command and Control Plan, and provide  
5           advice to the Director and the United States  
6           Interdiction Coordinator concerning that plan;  
7           and

8           “(C) provide such other advice to the Di-  
9           rector concerning drug interdiction strategy and  
10          policies as the committee determines is appro-  
11          priate.

12          “(2) MEMBERSHIP.—The membership of the  
13          Interdiction Committee shall consist of—

14               “(A) the Commissioner of the bureau of  
15               Customs and Border Protection at the Depart-  
16               ment of Homeland Security;

17               “(B) the Assistant Secretary of the bureau  
18               of Immigration and Customs Enforcement at  
19               the Department of Homeland Security;

20               “(C) the Commandant of the United  
21               States Coast Guard;

22               “(D) the Director of the Office of Counter-  
23               narcotics Enforcement at the Department of  
24               Homeland Security;

1           “(E) the Administrator of the Drug En-  
2           forcement Administration;

3           “(F) the Assistant Secretary of State for  
4           International Narcotics and Law Enforcement  
5           Affairs;

6           “(G) the Assistant Secretary of Defense  
7           for Special Operations and Low Intensity Con-  
8           flict;

9           “(H) the Deputy Director for Supply Re-  
10          duction of the Office of National Drug Control  
11          Policy, acting in his role as the United States  
12          Interdiction Coordinator;

13          “(I) the director of the Crime and Nar-  
14          cotics Center of the Central Intelligence Agen-  
15          cy;

16          “(J) the Deputy Director for State and  
17          Local Affairs of the Office of National Drug  
18          Control Policy;

19          “(K) the Chief of the National Guard Bu-  
20          reau’s Counterdrug Program; and

21          “(L) such additional persons as may be de-  
22          termined by the Director.

23          “(3) CHAIRMAN.—The Director shall designate  
24          one of the members of the Interdiction Committee to  
25          serve as chairman.

1           “(4) MEETINGS.—The members of the Interdic-  
2           tion Committee shall meet, in person and not  
3           through any delegate or representative, at least once  
4           per calendar year, prior to March 1. At the call of  
5           either the Director or the current chairman, the  
6           Interdiction Committee may hold additional meet-  
7           ings, which shall be attended by the members either  
8           in person, or through such delegates or representa-  
9           tives as they may choose.

10           “(5) REPORT.—Not later than September 30 of  
11           each year, the chairman of the Interdiction Com-  
12           mittee shall submit a report to the Director and to  
13           the appropriate congressional committees describing  
14           the results of the meetings and any significant find-  
15           ings of the Committee during the previous 12  
16           months. Any content of such a report that involves  
17           information classified under criteria established by  
18           an Executive order, or whose public disclosure, as  
19           determined by the Director, the chairman, or any  
20           member, would be detrimental to the law enforce-  
21           ment or national security activities of any Federal,  
22           State, or local agency, shall be presented to Con-  
23           gress separately from the rest of the report.”.

1 (b) CONFORMING AMENDMENT TO HOMELAND SE-  
2 CURITY ACT OF 2002.—Section 878 of the Homeland Se-  
3 curity Act of 2002 (6 U.S.C. 458) is amended—

4 (1) in subsection (c), by striking “Except as  
5 provided in subsection (d), the” and inserting  
6 “The”; and

7 (2) by striking subsection (d) and redesignating  
8 subsections (e), (f), and (g) as subsections (d), (e),  
9 and (f), respectively.

10 **SEC. 114. AUTHORIZATION OF APPROPRIATIONS.**

11 Section 714 (21 U.S.C. 1711) is amended—

12 (1) by striking “title,” and inserting “title, ex-  
13 cept activities for which amounts are otherwise spe-  
14 cifically authorized by this title,”; and

15 (2) by striking “1999 through 2003” and in-  
16 serting “2006 through 2010”.

17 **SEC. 115. TECHNICAL AMENDMENTS AND REPEAL.**

18 (a) AMENDMENT TO PUBLIC HEALTH SERVICE ACT  
19 TO REPLACE OBSOLETE REFERENCES.—Section 464P(c)  
20 of the Public Health Service Act (42 U.S.C. 285o–4(c))  
21 is amended—

22 (1) in paragraph (1), by striking “under section  
23 1002 of the Anti-Drug Abuse Act of 1988 (21  
24 U.S.C. 1501)” and inserting “under section 703 of



1 the Office of National Drug Control Policy Reau-  
2 thorization Act of 1998 (21 U.S.C. 1702)”; and

3 (2) in paragraph (2), by striking “under section  
4 1005 of the Anti-Drug Abuse Act of 1988 (21  
5 U.S.C. 1504)” and inserting “under section 706 of  
6 the Office of National Drug Control Policy Reau-  
7 thorization Act of 1998 (21 U.S.C. 1705)”.

8 (b) REPEAL OF SPECIAL FORFEITURE FUND.—Sec-  
9 tion 6073 of the Asset Forfeiture Amendments Act of  
10 1988 (21 U.S.C. 1509) is repealed.

11 **SEC. 116. REQUIREMENT FOR DISCLOSURE OF FEDERAL**  
12 **SPONSORSHIP OF ALL FEDERAL ADVER-**  
13 **TISING OR OTHER COMMUNICATION MATE-**  
14 **RIALS.**

15 Section 712 is amended to read as follows:

16 **“SEC. 712. REQUIREMENT FOR DISCLOSURE OF FEDERAL**  
17 **SPONSORSHIP OF ALL FEDERAL ADVER-**  
18 **TISING OR OTHER COMMUNICATION MATE-**  
19 **RIALS.**

20 “(a) REQUIREMENT.—Each advertisement or other  
21 communication paid for by the Office, either directly or  
22 through a contract awarded by the Office, shall include  
23 a prominent notice informing the target audience that the  
24 advertisement or other communication is paid for by the  
25 Office.

1       “(b) ADVERTISEMENT OR OTHER COMMUNICA-  
2 TION.—In this section, the term ‘advertisement or other  
3 communication’ includes—

4               “(1) an advertisement disseminated in any  
5 form, including print or by any electronic means;  
6 and

7               “(2) a communication by an individual in any  
8 form, including speech, print, or by any electronic  
9 means.”.

10 **SEC. 117. POLICY RELATING TO SYRINGE EXCHANGE PRO-**  
11 **GRAMS.**

12       Section 703(a) (21 U.S.C. 1702(a)) is amended by  
13 adding at the end the following:

14 “When developing the national drug control policy, any  
15 policy of the Director relating to syringe exchange pro-  
16 grams for intravenous drug users shall be based on the  
17 best available medical and scientific evidence regarding  
18 their effectiveness in promoting individual health and pre-  
19 venting the spread of infectious disease, and their impact  
20 on drug addiction and use. In making any policy relating  
21 to syringe exchange programs, the Director shall consult  
22 with the National Institutes of Health and the National  
23 Academy of Sciences.”.

1     **TITLE II—CLEAN SPORTS ACT**  
2                     **OF 2005**

3     **SEC. 201. ADDITION OF MINIMUM DRUG TESTING STAND-**  
4                     **ARDS TO OFFICE OF NATIONAL DRUG CON-**  
5                     **TROL POLICY ACT.**

6             (a) AMENDMENT.—The Office of National Drug Con-  
7     trol Policy Reauthorization Act of 1998 (Public Law 105–  
8     277; 21 U.S.C. 1701 et seq.) is amended—

9                     (1) by inserting before section 701 the fol-  
10     lowing:

11                    **“Subtitle A—Office of National**  
12                    **Drug Control Policy”;** and

13                    (2) by adding at the end the following new sub-  
14     title:

15                    **“Subtitle B—Clean Sports Act of**  
16                    **2005**

17     **“SEC. 721. SHORT TITLE.**

18             “‘This subtitle may be cited as the ‘Clean Sports Act  
19     of 2005’.

20     **“SEC. 722. FINDINGS AND PURPOSE.**

21             “(a) FINDINGS.—Congress finds the following:

22                     “(1) The use of anabolic steroids and other per-  
23     formance-enhancing substances by minors is a public  
24     health problem of national significance.

1           “(2) Experts estimate that over 500,000 teen-  
2           agers have used performance-enhancing substances,  
3           which medical experts warn can cause a litany of  
4           health problems for individuals who take them, in  
5           particular children and teenagers.

6           “(3) The adverse health effects caused by  
7           steroids and other performance-enhancing sub-  
8           stances include stunted growth, scarring acne, hair  
9           loss, dramatic mood swings, hormonal and metabolic  
10          imbalances, liver damage, a higher risk of heart dis-  
11          ease and stroke later in life, as well as an increased  
12          propensity to demonstrate aggressive behavior, com-  
13          mit suicide, and commit crimes.

14          “(4) Professional athletes are role models for  
15          young athletes and influence the behavior of children  
16          and teenagers.

17          “(5) Congressional testimony by parents of mi-  
18          nors who used performance enhancing drugs, as well  
19          as medical and health experts, indicates that the ac-  
20          tual or alleged use of performance-enhancing sub-  
21          stances by professional athletes results in the in-  
22          creased use of these substances by children and  
23          teenagers.

24          “(6) Surveys and studies suggest a connection  
25          between the actual or alleged use of performance-en-

1       hancing substances by college and professional ath-  
2       letes and the increased use of these substances by  
3       children and teenagers.

4           “(7) The real or perceived tolerance of the use  
5       of performance-enhancing substances by professional  
6       athletes has resulted in both increased pressure on  
7       children and teenagers to use performance-enhanc-  
8       ing drugs in order to advance their athletic careers  
9       and to professional sports loss of integrity.

10          “(8) The adoption by professional sports  
11       leagues of strong policies to eliminate the use of per-  
12       formance-enhancing substances would result in the  
13       reduced use of these substances by children and  
14       teenagers.

15          “(9) Minimum drug testing standards for pro-  
16       fessional sports established by Federal law would en-  
17       sure the adoption of strong policies to eliminate the  
18       use of performance-enhancing substances in profes-  
19       sional sports.

20          “(10) Minimum drug testing standards for pro-  
21       fessional sports established by Federal law would  
22       help return integrity to professional sports.

23          “(11) Congress has for several years expressed  
24       a strong interest in the problem of the role of per-

1 performance-enhancing drugs in professional sports and  
2 other levels of sports.

3 “(12) Congress has for several years regulated  
4 the use of anabolic steroids and other performance-  
5 enhancing substances.

6 “(13) Recent Federal laws regulating the use of  
7 anabolic steroids and other performance-enhancing  
8 substances were enacted in large part to reduce the  
9 prevalence of these substances in sports.

10 “(14) Congress has for several years regulated  
11 both professional and amateur sports.

12 “(b) PURPOSE.—The purpose of this subtitle is to  
13 protect the integrity of professional sports and the health  
14 and safety of athletes generally by establishing minimum  
15 standards for the testing of steroids and other perform-  
16 ance-enhancing substances by professional sports leagues.

17 **“SEC. 723. DEFINITIONS.**

18 “In this subtitle:

19 “(1) ANTI-DOPING CODE.—The term ‘anti-  
20 doping code’ means the doping control standards es-  
21 tablished in the United States Anti-Doping Agency  
22 Protocol for Olympic Movement Testing (excluding  
23 substances or methods prohibited in a particular  
24 sport, as defined in such protocol).

1           “(2) COMMISSION.—The term ‘Commission’  
2 means the Federal Trade Commission.

3           “(3) DIRECTOR.—The term ‘Director’ means  
4 the Director of the Office of National Drug Control  
5 Policy.

6           “(4) MAJOR PROFESSIONAL LEAGUE.—The  
7 term ‘major professional league’ means Major  
8 League Baseball, the National Basketball Associa-  
9 tion, the National Football League, and the National  
10 Hockey League or any successor organization to  
11 those leagues.

12           “(5) OFF-SEASON.—The term ‘off-season’  
13 means the period of time in each calendar year out-  
14 side of the season of play for each major profes-  
15 sional league.

16           “(6) PROFESSIONAL ATHLETE.—The term ‘pro-  
17 fessional athlete’ means an individual who competes  
18 in a major professional league.

19           “(7) PROFESSIONAL GAME.—The term ‘profes-  
20 sional game’ means any game held in the United  
21 States between any professional teams of a major  
22 professional league.

23           “(8) PROHIBITED METHOD OR SUBSTANCE.—

1           “(A) PROHIBITED METHOD.—The term  
2           ‘prohibited method’ means a method listed and  
3           described in the Anti-Doping Code.

4           “(B) PROHIBITED SUBSTANCE.—The term  
5           ‘prohibited substance’ means a substance listed  
6           and described in the Anti-Doping Code.

7           “(C) PERIOD OF PROHIBITION.—A sub-  
8           stance prohibited in-competition by the Anti-  
9           Doping Code shall be a prohibited substance  
10          only during the season of play. Only a sub-  
11          stance or method prohibited out-of-competition  
12          by the Anti-Doping Code shall be a prohibited  
13          substance or method during the off-season.

14          “(9) SEASON OF PLAY.—

15               “(A) IN GENERAL.—The term ‘season of  
16               play’ for each major professional league means  
17               the period of time in each calendar year begin-  
18               ning with the date on which professional ath-  
19               letes of that major professional league are col-  
20               lectively obligated to report to their teams in  
21               preparation for play and ending with the last  
22               game of the major professional league’s regular  
23               season.

24               “(B) POST-SEASON.—The season of play  
25               shall include post-season play for an athlete



1           who is a member of a team that remains active  
2           in post-season play.

3   **“SEC. 724. MINIMUM UNIFORM TESTING STANDARDS.**

4       “(a) CONDUCT PROHIBITED.—It shall be unlawful  
5   for a major professional league to arrange, promote, orga-  
6   nize, or produce a professional game without meeting the  
7   requirements in subsection (b).

8       “(b) MINIMUM TESTING REQUIREMENTS.—Each  
9   major professional league shall implement policies and  
10   procedures for the testing of the use of prohibited sub-  
11   stances by professional athletes who compete in each re-  
12   spective major professional league which shall be inde-  
13   pendently administered and shall be consistent with and  
14   as stringent as the doping control standard established by  
15   the United States Anti-Doping Agency, and which shall,  
16   at minimum, include the following:

17       “(1) TIMING AND FREQUENCY OF TESTING.—

18           “(A) IN GENERAL.—Each professional ath-  
19   lete shall be tested a minimum of 5 times each  
20   calendar year that such athlete is competing in  
21   games organized by the major professional  
22   league.

23           “(B) TIMING.—Each athlete shall be  
24   tested—

1 “(i) at least 3 times, each with no ad-  
2 vance notice, during each season of play;  
3 and

4 “(ii) at least 2 times, each with no ad-  
5 vance notice, during the off-season.

6 “(2) TEST DISTRIBUTION PLANNING.—Each  
7 major professional league shall certify to the Direc-  
8 tor on or prior to December 31 of each year that it  
9 has consulted with the United States Anti-Doping  
10 Agency in the development of its test distribution  
11 plan for both season of play and off-season testing.

12 “(3) METHOD OF TESTING.—Each major pro-  
13 fessional league shall certify to the Director on or  
14 prior to December 31 of each year that it has con-  
15 sulted with the United States Anti-Doping Agency in  
16 the development of its drug testing protocols for  
17 both season of play and off-season testing.

18 “(4) APPLICABLE SUBSTANCES.—Each profes-  
19 sional athlete shall be tested for all prohibited sub-  
20 stances at the time of each test. A major profes-  
21 sional league may make exceptions for any prohib-  
22 ited substances that have been properly prescribed  
23 by a doctor of medicine licensed in the United States  
24 for legitimate and documented therapeutic purposes.

1           “(5) ANALYSIS OF SAMPLE.—Each sample pro-  
2       vided shall be analyzed by a laboratory approved by  
3       the United States Anti-Doping Agency.

4           “(6) POSITIVE TESTS.—

5               “(A) IN GENERAL.—A positive test shall  
6       consist of the presence in the sample of any  
7       prohibited substance or its metabolites or mark-  
8       ers, or evidence of the use of a prohibited meth-  
9       od, unless that substance was prescribed to the  
10      athlete in accordance with paragraph (4).

11           “(B) REFUSAL.—A refusal by a profes-  
12      sional athlete to submit to a test or a failure of  
13      a professional athlete to submit to a test with-  
14      out compelling justification shall also be consid-  
15      ered a positive test.

16           “(7) PENALTIES.—

17               “(A) GENERAL RULE.—

18                   “(i) FIRST VIOLATION.—Except as  
19       provided in subparagraph (B), a profes-  
20       sional athlete who tests positive shall be  
21       immediately suspended for a minimum of 2  
22       years for a first violation. All suspensions  
23       shall include a loss of pay for the period of  
24       the suspension.

1           “(ii) SECOND VIOLATION.—A second  
2 violation shall result in a lifetime ban of  
3 the professional athlete from all major pro-  
4 fessional leagues.

5           “(B) EXCEPTIONS.—

6           “(i) KNOWLEDGE OF THE ATH-  
7 LETE.—A major professional league may  
8 impose a lesser penalty than provided in  
9 subparagraph (A) or no penalty if the pro-  
10 fessional athlete establishes that he did not  
11 know or suspect, and could not reasonably  
12 have known or suspected even with the ex-  
13 ercise of utmost caution, that he had used  
14 the prohibited substance.

15           “(ii) ASSISTANCE IN IDENTIFYING  
16 VIOLATIONS.—A major professional league  
17 may impose a lesser penalty than provided  
18 in subparagraph (A) if the professional  
19 athlete provides substantial assistance to  
20 the major professional league in identifying  
21 violations of the league’s drug testing pol-  
22 icy by other professional athletes or assist-  
23 ance in violations of the league’s drug test-  
24 ing policy by any coach, trainer, manager,  
25 agent, team staff, official, medical, or

1           other personnel working with or treating  
2           professional athletes participating in or  
3           preparing for sports competition.

4           “(8) ADJUDICATION.—

5                 “(A) CONSULTATION.—Each major profes-  
6           sional league shall certify to the Director on or  
7           prior to December 31 of each year that it has  
8           consulted with the United States Anti-Doping  
9           Agency in the development of its adjudication  
10          process.

11                “(B) DUE PROCESS.—If a professional  
12          athlete tests positive, the professional athlete  
13          shall have the right to notice, a fair, timely, and  
14          expedited hearing, representation by counsel  
15          and appeal.

16                “(C) SUSPENSION.—During the pendency  
17          of any proceedings the professional athlete shall  
18          be suspended from participating in any profes-  
19          sional game.

20           “(9) PUBLIC DISCLOSURE.—

21                 “(A) TESTING.—A major professional  
22          league shall publicly disclose the identity of any  
23          professional player who has tested positive as  
24          well as the prohibited substance or prohibited

1 method for which he tested positive not later  
2 than 30 days after receiving the test results.

3 “(B) PENALTY.—A major professional  
4 league shall publicly disclose the name of any  
5 penalized athlete, the penalty imposed, the sub-  
6 stance for which the player tested positive, and  
7 the reason for the penalty not later than 15  
8 days after the final disposition of the player’s  
9 case.

10 **“SEC. 725. PROMULGATION OF STANDARDS BY THE DIREC-**  
11 **TOR OF THE OFFICE OF NATIONAL DRUG**  
12 **CONTROL POLICY.**

13 “(a) IN GENERAL.—The Director shall have the au-  
14 thority to promulgate standards that would modify the  
15 provisions of section 724 as they apply to an individual  
16 major professional league for exceptional circumstances or  
17 for other good cause.

18 “(b) EFFECTIVENESS MAINTAINED.—A modification  
19 under subsection (a) shall not—

20 “(1) reduce the effectiveness of the standards in  
21 eliminating the use of steroids or other performance-  
22 enhancing substances in any major professional  
23 league; or

1           “(2) diminish the leadership role of the United  
2       States in eliminating the use of steroids or other  
3       performance-enhancing substances in sports.

4       “(c) INCLUSION OF ADDITIONAL LEAGUES.—The Di-  
5       rector may include an additional professional sporting  
6       league or the colleges and athletes participating in Divi-  
7       sion I or Division II of the NCAA as a major professional  
8       league if the Director determines that such additions  
9       would prevent the use of performance-enhancing sub-  
10      stances by high school, college, or professional athletes.

11      “(d) DELEGATION.—The Director may delegate the  
12      administration of this subtitle to any other appropriate  
13      agency of the Federal Government.

14      **“SEC. 726. ENFORCEMENT BY THE FEDERAL TRADE COM-**  
15                                      **MISSION.**

16      “(a) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—  
17      A violation of section 724 shall be treated as a violation  
18      of section 18 of the Federal Trade Commission Act (15  
19      U.S.C. 57a) regarding unfair or deceptive acts or prac-  
20      tices.

21      “(b) POWERS OF COMMISSION.—

22           “(1) IN GENERAL.—The Commission shall issue  
23      and enforce the regulations for the enforcement of  
24      section 724 in the same manner, by the same means,  
25      and with the same jurisdiction, powers, and duties

1 as though all applicable terms and provisions of the  
2 Federal Trade Commission Act (15 U.S.C. 41 et  
3 seq.) were incorporated into and made a part of this  
4 subtitle. Any person who violates such regulations  
5 shall be subject to the penalties and entitled to the  
6 privileges and immunities provided in that Act.

7 “(2) ENHANCED PENALTY FOR VIOLATIONS.—  
8 Notwithstanding subsection (a) and the Federal  
9 Trade Commission Act, in the case of a person who  
10 violates section 724, the Commission may, in its dis-  
11 cretion, seek a civil penalty for such violation in an  
12 amount, as determined by the Commission, of not  
13 more than \$1,000,000 for each violation of section  
14 724.

15 “(3) GENERAL AUTHORITY.—Nothing in this  
16 subtitle shall be construed to limit the authority of  
17 the Commission under any other provision of law.

18 **“SEC. 727. REPORTS TO CONGRESS.**

19 “(a) FIRST LEAGUE REPORT.—

20 “(1) IN GENERAL.—Not later than 6 months  
21 after completion of a professional sports league’s  
22 first season of play after the effective date of this  
23 subtitle, each major professional league shall trans-  
24 mit to the Committee on Commerce, Science, and  
25 Transportation of the Senate and the Committee on



1 Energy and Commerce and the Committee on Gov-  
2 ernment Reform of the House of Representatives, a  
3 report on its testing policies and procedures.

4 “(2) CONTENTS.—The report required by this  
5 subsection shall contain—

6 “(A) a comparison of the major profes-  
7 sional league’s testing policy (including its adju-  
8 dication procedures) to that of the United  
9 States Anti-Doping Agency, emphasizing the  
10 differences between the policies and the ration-  
11 ales for the differences; and

12 “(B) aggregate data on the number of pro-  
13 fessional players tested by the major profes-  
14 sional league and the prohibited substances de-  
15 tected in samples or prohibited methods, includ-  
16 ing the number of tests conducted during the  
17 season of play and during the off-season.

18 “(b) BIENNIAL LEAGUE REPORTS.—Each major pro-  
19 fessional league shall transmit to the Committee on Com-  
20 merce, Science, and Transportation of the Senate and the  
21 Committee on Energy and Commerce and the Committee  
22 on Government Reform of the House of Representatives,  
23 on a biennial basis, a report containing the data and anal-  
24 ysis required in subsection (a) for each of the 2 prior  
25 years.

1       “(c) ONDCP REPORT.—Not later than 1 year after  
2 the date of enactment of this subtitle, and subsequently  
3 thereafter as determined appropriate by the Director, the  
4 Director shall report to the Committee on Commerce,  
5 Science, and Transportation of the Senate and the Com-  
6 mittee on Energy and Commerce and the Committee on  
7 Government Reform of the House of Representatives, rec-  
8 ommendations for improving any Federal law governing  
9 controlled substances as may be necessary for reducing the  
10 use of steroids and other performance-enhancing sub-  
11 stances.

12       **“SEC. 728. PROMULGATION OF STANDARDS BY UNITED**  
13                               **STATES BOXING COMMISSION.**

14       “Upon the later of 12 months after enactment of this  
15 subtitle or 12 months after the establishment of the  
16 United States Boxing Commission pursuant to Federal  
17 law, that commission shall, in consultation with the Asso-  
18 ciation of Boxing Commissions and the United States  
19 Anti-Doping Agency, promulgate uniform performance-en-  
20 hancing substance testing standards for professional box-  
21 ing that are consistent with section 724.

22       **“SEC. 729. STUDY ON COLLEGE TESTING POLICIES AND**  
23                               **PROCEDURES.**

24       “(a) STUDY.—The Government Accountability Office  
25 shall conduct a study on the use of performance-enhancing

1 substances by college athletes which shall examine the pro-  
2 hibited substance policies and testing procedures of inter-  
3 collegiate athletic associations and college and university  
4 athletic departments.

5 “(b) REPORT.—

6 “(1) SUBMISSION TO CONGRESS.—Not later  
7 than 1 year after the date of enactment of this sub-  
8 title, the Government Accountability Office shall  
9 transmit a report to the Committee on Commerce,  
10 Science, and Transportation of the Senate and the  
11 Committee on Energy and Commerce and the Com-  
12 mittee on Government Reform of the House of Rep-  
13 resentatives.

14 “(2) CONTENTS.—The report required by this  
15 subsection shall—

16 “(A) assess the adequacy of the testing  
17 policies and procedures described in subsection  
18 (a) in detecting and preventing the use of per-  
19 formance-enhancing substances; and

20 “(B) include recommendations to Congress  
21 regarding expanding the application of the reg-  
22 ulations issued pursuant to this subtitle to such  
23 intercollegiate and interscholastic athletic asso-  
24 ciations.

1   **“SEC. 730. COMMISSION ON HIGH SCHOOL AND COLLE-**  
2                   **GIATE ATHLETICS.**

3           “(a) COMMISSION.—The Director shall establish a  
4 commission on high school and collegiate athletics.

5           “(b) REPORT.—Not later than 1 year after the date  
6 of enactment of this subtitle, the commission shall report  
7 to Congress—

8                   “(1) findings on the use of steroids and other  
9 performance-enhancing substances in high school  
10 and collegiate sports; and

11                   “(2) recommendations for reducing their use.

12   **“SEC. 731. SENSE OF CONGRESS.**

13           “‘It is the sense of Congress that—

14                   “(1) professional sports leagues not regulated  
15 by this subtitle should adhere to the drug testing  
16 standards established in this subtitle;

17                   “(2) all professional sports should implement  
18 policies and procedures for the testing of the use of  
19 prohibited substances or the detection of prohibited  
20 methods by professional athletes that ensure that  
21 American professional sports leagues are world lead-  
22 ers in the effort to keep steroids and other perform-  
23 ance-enhancing drugs out of sports;

24                   “(3) all professional sports should implement  
25 policies and procedures that address the development  
26 of designer steroids and emerging methods for

1       doping, including gene doping, that enhance sports  
2       performance, are potential or actual health risks,  
3       and are contrary to the spirit of the sport; and

4           “(4) each major professional league should  
5       produce and publicize public service announcements  
6       regarding the health and safety consequences of  
7       steroids and other similar performance-enhancing  
8       substances on children and teenagers.

9       **“SEC. 732. EFFECTIVE DATE.**

10       “‘This subtitle shall take effect 1 year after the date  
11     of enactment of this subtitle.’”.

12       (b) CONFORMING AMENDMENTS.—The Office of Na-  
13     tional Drug Control Policy Reauthorization Act of 1998  
14     (Public Law 105–277; 21 U.S.C. 1701 et seq.) is further  
15     amended by striking “title” each place it appears and in-  
16     serting “subtitle”—

17           (1) in section 701;

18           (2) in section 702;

19           (3) in section 703(b)(2);

20           (4) in section 704(d)(1); and

21           (5) in the first and second sentences of section

22       705(a)(2)(A).